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TO THE MEMORY OF MY FATHER

SILAS CLINTON HATCH

FOR MANY YEARS A FAITHFUL SERVANT

OF THE STATE OF MAINE

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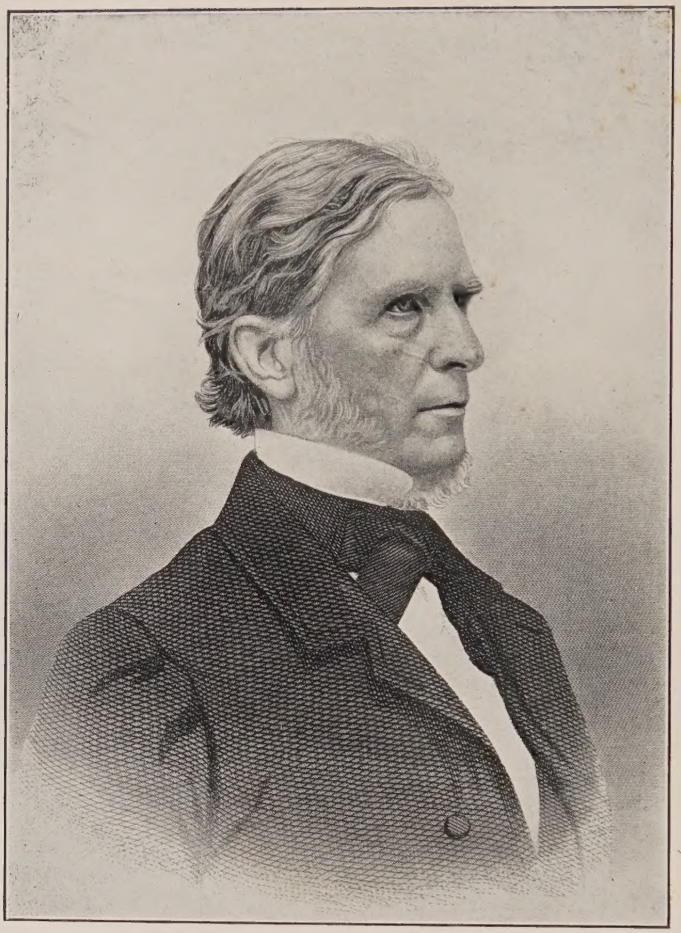

W. P. Hobsonville

MAINE

A HISTORY

CENTENNIAL EDITION

Editor-in-Chief
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Member of Maine Historical Society.
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Assisted by
MEMBERS OF MAINE HISTORICAL SOCIETY
AND OTHER WRITERS

VOLUME I

THE AMERICAN HISTORICAL SOCIETY
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FOREWORD

It is almost a hundred years since Maine was admitted to the Union, yet no history of the State with any claim to fullness has been written. Judge Williamson's history stops at the separation, while the great mass of new material which has become available since his day has rendered his work, scholarly and useful in its time, now out of date. But the history here offered to the public is an attempt to supplement, not to supersede, that of Judge Williamson. It is a history, primarily a political history, of the *State* of Maine. The political history of the period before the separation from Massachusetts is treated in outline merely, and the chapters dealing with this subject should be considered as an introduction to the main narrative. The history, however, is not purely political. Some account will be found of the economic, religious, and social life of Maine, and the editor regrets that it did not prove feasible to give a fuller discussion of these subjects.

The chapters on the Indians, the boundary controversies and the non-political subjects, have been prepared by some of the associate and contributory editors. In every case the name of the writer appears at the head of the chapter, and for these the editor claims no credit and assumes no responsibility. The chapter entitled "Some Maine Celebrities" is a composite work. Some of the sketches were written by the author, these are signed with his initials, L. C. H.; the remainder have been furnished independently and for them he declines all responsibility. The fourth or biographical volume is an appendix to, rather than a part of, the history, and is outside the editor's jurisdiction.

Acknowledgments are due for assistance furnished by many present or former citizens of Maine who have taken a kindly interest in this attempt to write the history of their State. Aid of various kinds has been given by most of the associate editors: Lucilius Alonzo Emery, LL.D., Clarence Hale, LL.D., John Francis Sprague, George Colby Chase, D.D., LL.D., Charles Allcott Flagg, A.M., B.L.S., Harold Marsh Sewall, A.B., LL.B., Arthur Jeremiah Roberts, M.A., William Farrand Livingston, A.B., Edgar Crosby Smith, Augustus Freedom Moulton, A.M., John Fairfield Lynch.

Especial thanks are due for the constant aid received from Mr. Charles A. Flagg, the librarian of the Bangor Public Library. A study room in the library has been at my disposal from the beginning of the work, and special library privileges have been granted me. Moreover, Mr. Flagg's kindness has permitted me to continually draw upon his information and experience for advice and assistance.

I must also express my great obligation to Judge Leslie C. Cornish and the other directors of the Lithgow Library of Augusta, for forwarding to the Bangor Library for my use, certain files of the Kennebec *Journal,* and to Professor G. G. Wilder, the librarian of Bowdoin College, for sending in like manner files of the Portland *Argus.* Mention, too, should be made of assistance rendered by Miss Evelyn Gilmore, of the library of the Maine Historical Society and of courtesies received from the staff of the Portland City Library. I am much indebted to Mr. E. S. Stanwood of Brookline, Massachusetts, who, upon learning that I was engaged in the work, wrote offering every assistance in his power, and giving permission to make full use of his scholarly article on the separation of Maine and Massachusetts in the "Proceedings of the Massachusetts Historical Society," a liberty of which I have freely availed myself. Finally, I would express my appreciation of the assistance rendered by Miss L. B. Raynes, who carefully typewrote the manuscript; and of the aid received from various young men, chiefly students of the Bangor High School, in the handling of heavy books and newspapers.

Thanks are also due to Mr. E. M. Blanding of Bangor for valuable criticisms on the chapter on summer resorts.

In preparing this history, the author has had specially in mind the reviving the memory of the half-forgotten leaders of former days; he has been impressed by the fact that even the more recent of them are frequently little more than names to the generation now coming on the stage, and he would hope that their story may serve as an example, or sometimes as a warning, and that it may in a slight degree stimulate and guide the young men into whose hands will soon be given the State of Fessenden and Reed.

LOUIS C. HATCH.

Bangor, Maine, August 30, 1919.

NOTE—The publishers would express their warm appreciation of the kindly coöperation in various ways of Mr. John Francis Sprague, of Dover. From his excellent "Sprague's Journal of Maine History" through his courtesy we are enabled to reproduce in our volumes the following: Portraits of Sir William Pepperell, Governor Fairfield and Stephen Longfellow; the map of the Hampden Battlefield; Forts Pownall, Halifax and William Henry; the Wiscasset Blockhouse; the Orono Monument; the Old Town Indian Scene; the Old York Jail, Burnham Tavern, Old Kitchen Scene; Birthplace of Mrs. Lillian M. N. Stevens; and some minor plates.

NOTE—For convenience of the reader, this History is paged continuously. Volume I contains pages 1-306; Volume II, pages 307-629; Volume III, pages 631 to end, including Index.

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Chapter I

COLONIAL MAINE

CHAPTER I

COLONIAL MAINE.

Scholars are not agreed on the period at which a history of Maine should begin. Some would place it at the close of the first millenium of the Christian era, others at the middle of the second. It is reasonably certain that in 1000 A. D., Leif, the son of Eric, the discoverer of Greenland, was sent by King Olaf of Norway to introduce Christianity into his father's newly found land. On his way thither he was driven out of his course to an unknown country which from the abundance of grapes growing there he called Vinland, or Wineland. In the years immediately succeeding, two attempts were made to plant a colony, but both were quickly abandoned.

Great has been the controversy over the true location of Vinland. It has been placed in Labrador, Nova Scotia, Maine, Massachusetts, and Rhode Island. Many theories have been advanced, none have been fully proved. The question, however, is not of great importance. The Norsemen quickly vanished without leaving a trace of their occupancy, and nearly five hundred years went by before the continent of North America was again visited by white men. Even if it be true that a few Norsemen once lived for a brief time upon the shores of Maine, the real history of the State begins with its discovery by the race that was to people and develop it.

Like the great achievement of Columbus, the discovery or rediscovery was the work of a Genoese serving under a foreign flag with a foreign crew.

While Columbus was vainly striving to obtain the assistance of Ferdinand and Isabella in carrying out his plans, he sent his brother Bartholomew on a similar errand to Henry VII. of England. Bartholomew failed but, when the great discovery had at last been made, emulation in England was aroused. The port of Bristol was the home of daring fishermen and sailors, and for many years they had carried on a trade with Iceland, bringing from there large quantities of "stockfish," that is, cod.

About 1490 there was living in the town an Italian seaman, John Cabot. By birth he was a Genoese, but he had been for some time a naturalized citizen of Venice. Stirred, it is said, by the achievement of Columbus, he appealed to King Henry for leave to make discoveries and for possession of any lands found. His petition was granted, the King reserving a fifth of the receipts from each voyage and the sovereignty of all lands discovered. In May, 1497, Cabot set out in a small vessel with a crew of only eighteen men, most of whom were residents of Bristol. After a voyage of about seven hundred leagues he reached land, probably the island of Cape Breton. In 1498 he made a second voyage, and is thought to have sailed a considerable distance southward. If he did, John Cabot's companions were the first Englishmen to behold the coast of Maine.[1] But

[1]Burrage, "Beginnings of Colonial Maine," 5.

after this voyage, Englishmen ceased for many years to make voyages of discovery to the New World. Perhaps the government disapproved of them.

At the opening of the sixteenth century, England was allied with Spain, and the Spaniards were very suspicious of expeditions across the Atlantic. Indeed, King Ferdinand's ambassador had formally protested against what he considered Cabot's violation of Spanish rights. By the middle of the century, however, English fishermen were frequenting Newfoundland waters, and in 1565 John Hawkins sailed along the American coast. In 1567 he led an expedition to the Caribbean and the Gulf of Mexico, which ended in disaster at Vera Cruz, and three of his men "made their long weary way northward to the Great Lakes; and then turning eastward, as one may infer from the narrative printed by Hakluyt, they crossed a part of what is now the State of Maine, and, finding a French vessel on the coast, they were taken on board and so made their way back to England." These sailors, David Ingram, Richard Brown and Richard Twide, were the first white men to visit the interior of Maine, perhaps the first to stand upon its soil.

In 1578, Queen Elizabeth granted to Sir Humphrey Gilbert, Raleigh's half-brother, such lands as he might discover in the new world. Sir Humphrey prepared two expeditions; the first put back without crossing the ocean; on the second, he took formal possession of Newfoundland in the name of the Queen, but his attempts at settlement failed, and on the return the little vessel which he had taken for a flag-ship was lost with all on board. For some years after this disaster the English attempts at colonization were made under Raleigh's leadership, and Raleigh's chief interest was in territory much farther to the south. But in 1602 a vessel named the *Concord*, commanded by Captain Bartholomew Gosnold, with whom was associated Bartholomew Gilbert, a son of Sir Humphrey, sailed for the more northern part of America. They reached the southern coast of Maine, perhaps first sighting land at Cape Porpoise, and Gosnold explored the New England coast as far as Martha's Vineyard. His intention had been to plant a colony, but no one was willing to be left behind, and the whole company returned to England. The next year Captain Martin Pring made a voyage to the coast of Maine, and in 1605 Captain George Waymouth visited Monhegan, entered St. George's river,[2] explored the coast, and kidnapped five Indians from whom, after they had been taught English, it was hoped that valuable information could be obtained concerning the country. Their reports proved to be of a most encouraging nature, and the stories they told or were thought to have told, (for what they said may have been imperfectly understood), were, according to Sir Ferdinando Gorges, the future Lord Proprietor

[2]For a discussion of the question, what river did Waymouth enter, see Burrage, "Beginnings of Colonial Maine," pp. 40-48.

of Maine, "the means under God of putting on foot and giving life to all our plantations."

In 1606 charters were granted to two companies, one called the London Company, and the other the Plymouth Company. The names were those of the places of residence of most of the corporators. To the London Company was assigned the land between the 34th and the 41st degrees of north latitude and fifty miles south; to the Plymouth Company, that between the 38th and 45th degrees and fifty miles north. It will be observed that these grants overlapped, but in order to hasten settlement and to prevent boundary disputes, it was provided that neither company should plant within a hundred miles of a colony of the other.

In 1606 the Plymouth Colony sent an exploring expedition to Maine. One vessel was taken by the Spaniards. A second, sailing a little later, with Pring as the real though not the nominal commander, arrived safely at her destination. A strip of coast, probably that between the St. George's and the Kennebec rivers, was carefully examined, and Pring's detailed report greatly encouraged his employers, who now determined to send out a colony. One of the most active and influential members of the Plymouth Company was Sir John Popham, Chief Justice of the King's Bench. Sir John contributed liberally to defraying the expense of the venture, and obtained further assistance from friends. On May 31, 1607, the expedition set sail. It consisted of two vessels, the *Mary and John*, commanded by Raleigh Gilbert, a son of Sir Humphrey; and the *Gift of God*, a light draft boat commanded by George Popham, a nephew of the Chief Justice. Of the size of these vessels we have no information. They carried beside their crews, about 120 colonists, and provisions, guns, ammunition, and so forth. Early in August the vessels reached the Maine coast. On Sunday, the 9th, most of the company landed on the shore of the present St. George's harbor and held what was, as far as is known, the first Episcopal service on New England soil.* A member of the expedition who wrote an account of the voyage says, "We heard a sermon delivered unto us by our preacher, giving God thanks for our happy meeting and safe arrival into the country, and so returned aboard again." The preacher was the Rev. Richard Seymour. He was doubtless a member of the Church of England, and was praised by Gorges for "his pains in his place and his honest endeavors," but of his life before and after his brief visit to Maine we are, and probably always will be, ignorant.

On Wednesday sail was made for the "Sagadahoc," now the Kennebec, and, after some examining of the river, the peninsula of Sabino, lying at its entrance, was chosen as the site for the settlement. A council to govern the colony, which had been appointed by the King's Council of Virginia, was sworn in, and George Popham was elected its President.

*There can be no doubt that there were both Catholic and Huguenot services on De Mont's Island in 1604.

A fort and a storehouse were begun, further explorations were made, and interviews were held with the Indians. Early in October the *Mary and John* returned to England. The fort was completed and houses were built within its walls. But some of the men were unfit for the work they were expected to perform, factions arose, the winter was early and severe, and in December the *Gift* returned to England, carrying all but forty-five of the discouraged colonists. In February, President Popham died, and was succeeded by Raleigh Gilbert. A fire destroyed the storehouse, most of the stores, and probably the houses also. In the spring, affairs improved. Two vessels came from England with supplies, and a promise of the arrival of a third and larger ship in the summer. The colonists themselves had built a pinnace which they called the *Virginia*,[2] the name given to the whole of the English territory in America. The third vessel did not arrive until about September 1st. It brought supplies, but it also brought the news of the deaths of the chief patron of the colony, Sir John Popham, and of the elder brother of President Gilbert. It was imperative that the President, who was his brother's heir, should proceed to England immediately. No one at Fort St. George was qualified to take his place, and it was determined to abandon the enterprise. The fort was dismantled, the stores and cannon placed on board the vessels, and all returned to Plymouth.

The attempt to plant a colony upon the coast of Maine was not made hastily or carelessly, and it had zealous and influential friends in England. It failed, partly because of the severity of the climate, and of a succession of unfortunate accidents like the burning of the storehouse and the deaths of the two Pophams and the elder Gilbert, but also because of the lack of men, or, at least, of a *man* at Fort St. George. The deep religious principles and the sturdy character of the great majority of the Pilgrims saved Plymouth despite the suffering of the first winter. The vigor of Smith, Dale, and a few others, held Virginia together, though most of the colonists were ill-fitted for the work of pioneers. But in Maine not only were the mass of the settlers vagrant and dissolute, but there was no one with sufficient character and force to compel respect and obedience. Popham was "a discreet, careful man," ready to give his life for the service of God and the honor of England, but he was advanced in years, feeble in health, and was described by Gorges as "honest . . . but . . . timourously fearful to offend or contest with others that will or do oppose him." Gilbert was reported to be "desirous of supremacy and rule, a loose life . . . little zeal in religion, humorous (whimsical or 'cranky'), headstrong and of small judgment and experience, otherwise valiant enough."

The withdrawal of the English left Maine open to the French, who were

[2]At the celebration of the ter-centennary of the Popham colony in 1904, due notice was taken of this beginning of New England shipbuilding.

already endeavoring to enter into the land and possess it. In 1524, an Italian of French extraction, then calling himself Verrazano, had sailed along the Atlantic coast with a commission from Francis I., and this gave France a claim like that which England founded on the voyages of Cabot. In 1534 Jacques Cartier had ascended the St. Lawrence, and unsuccessful attempts were made to plant a colony at Quebec in 1541, and on the Sable Islands in the Bay of Fundy in 1598. In 1603 Henry IV. of France granted to the Sieur de Monts all the land from the 46th to the 40th parallel of north latitude, that is, from "about St. Johns, Newfoundland, to Philadelphia." In 1604 De Monts sailed for his domain, taking with him, as geographer, Samuel de Champlain, and a gentleman volunteer, the Sieur de Potrincourt. They examined the Bay of Fundy, the present Annapolis Basin, which they named Port Royal, and Passamaquoddy Bay. A settlement was made on an island in the river St. Croix, and Champlain set out on a tour of exploration. He passed a large island with whose beauty he was much impressed, and which because of its mountains with their tops bare of trees he named Isle des Monts Deserts. He sailed up the Penobscot, which he calls "Pentegouet" and "Norumbegue,"[1] to where the Kadesquit (Kenduskeag) emptied into it, that is, to the present Bangor; he landed there, probably at what is now the foot of Oak street, and had an interview with Bashebe, the great chief of that region. He then proceeded to the Quinibeque (Kennebec) and sailed some distance up the river, but bad weather checked his progress and he returned to St. Croix. The winter was a hard one and nearly half the colonists died of scurvy. In the summer supplies arrived and De Monts and Champlain sailed along the coast to Cape Cod. On their return to St. Croix, it was determined to go back to the Bay of Fundy. De Monts went to France in the interest of the colony, but his men were completely discouraged and soon followed him home. Like the Popham colonists, they were not of the stuff of which pioneers are made.

In 1610 De Potrincourt, who had obtained a grant of Port Royal from De Monts, planted a small colony there. In the following year a vessel carrying supplies and two Jesuits, Fathers Pierre Biard and Enemond Massé, arrived. An exploration down the coast was undertaken by Potrincourt's son Biencourt, accompanied by Father Biard, and during the

[1] Justin Winsor says of "Norumbega" in his "Christopher Columbus and How He Received and Imparted the Spirit of Discovery": "It was apparently during the voyages of Verrazano that an Indian name which was understood as 'Arambega' was picked up along the northern coast as designating the region, and which a little later was reported by others as 'Norumbega,' and so passed into the mysterious and fabled nomenclature of the coast with a good deal of the unstableness that attended the fabulous islands of the Atlantic in the fancy of the geographers of the Middle Ages. As a definition of territory it gradually grew to have a more and more restricted application, coming down mainly after a while to the limits of the later New England, and at last finding . . . a home on the Penobscot. Still the region it represented contracted and expanded in people's notions, and on maps the name seemed to have a license to wander."

expedition Mass was said by Father Biard, on an island in the Kennebec, near the present city of Bath. The winter was marked by considerable friction between Biencourt and the Jesuits. A pious lady of rank, the Marchioness de Guecherville, who had assisted in sending the Fathers to Port Royal, now, with the aid of friends, fitted out a vessel "to take the Jesuits away from Port Royal, and to found a new French settlement in a more suitable place." She had already obtained from De Monts a transfer of his rights and also a grant of the territory from the King. The head of the expedition was a certain Captain Saussaye; the captain of the ship was named Flory. The vessel also carried another Jesuit priest and a lay brother, Gilbert du Thet. On reaching Port Royal, Fathers Biard and Massé were taken on board and the ship set sail for Kadesquit, where it was intended to establish the new colony. But Captain Flory missed the Penobscot in a fog and storm and when the weather cleared the vessel was off Mount Desert. The pilot took it into a beautiful port to which was given the name of Saint Sauveur (the present Bar Harbor). The pilot and the sailors now claimed that their contract of carriage had been performed and refused to go to the Penobscot. The Indians promised to show the Fathers as good a site for a colony as Kadesquit, and it was finally decided to locate their settlement at Fernald's Point, on the western side of the island, where there is a very beautiful and well sheltered harbor. Father Biard says that "the chiefs of the enterprise" were anxious to begin work on the houses and fortifications at once, but Saussaye persisted in "amusing himself with agriculture." He was soon to learn his error.

The Virginians were accustomed to send vessels to New England to obtain a supply of fish, and Captain Samuel Argall had come north for that purpose. On leaving England he had been given a commission to expel any foreign intruders that he might find within the borders of King James's grants. Learning from some Indians of the presence of the French, he induced one of the savages, who believed that his intentions were friendly, to guide him to the new settlement. Argall sailed into the harbor with colors flying, drums beating, and his ship ready for action. Many of the French were on shore, and the greater part thought it prudent to remain there. A few went on board their vessel, which, however, was in no condition either to fight or to fly. Father Biard says: "The first volley from the English was terrible, the whole ship being enveloped in fire and smoke. On our side they responded coldly, and the artillery was altogether silent. Captain Flory cried, 'Fire the cannon, fire!' but the cannoneer was not there. Now Gilbert du Thet, who all his life had never felt fear or shown himself a coward, hearing this command and seeing no one obey it, took a match and made us speak as loudly as the enemy. Unfortunately he did not take aim; if he had, perhaps there might have been something worse than mere noise."[8]

[8]Thwaites, "Jesuit Relations," III: 281.

CAPT. JOHN SMITH

The English, fearing that their vessel might ground, drew off, but discovering that there was no danger of this, came on again, pouring in volleys of musketry. Gilbert du Thet was shot through the body and mortally wounded. Captain Flory and three others were also wounded, and the French surrendered. Two very promising young men who attempted to reach the shore by swimming were drowned, having either been shot in the water or wounded before they jumped from their boat.

The day after the capture of the ship, Saussaye came out of the woods and surrendered. Ultimately all the French were allowed to return home and even their ship was given up, but Madame de Guecherville's claim for damages was sharply denied on the ground that she was a trespasser.

This skirmish, in which only three were killed on one side and none upon the other, may seem unworthy of description, but it was the beginning of the contest for North America between the French and English, which lasted for one hundred and fifty years and only closed with the cession of Canada by the treaty of Paris in 1763. Nor was the little battle in Somes' Sound important merely as the beginning of the struggle; it was also a factor in the result. Had the French established themselves at Mt. Desert, it may be that neither Pilgrim nor Puritan would have cared to settle so near them as Massachusetts, that all or nearly all of New England would have been a part of New France, and that the great contest would have ended differently.

Argall's exploit left Maine again open to the English, but so great was the discouragement over the failure at Fort St. George that for many years little attempt was made at colonization and that little was totally unsuccessful. There was, however, much resort to the island of Monhegan for fishing, and in 1614 Captain John Smith visited the coast and engaged in fishing, fur trading and exploring. The Plymouth Company was inactive, and in 1620 a new charter granting more extensive powers, and the territory from the 40th to the 48th degree of north latitude instead of that from the 38th to the 45th, was given to the "Council established at Plymouth in the county of Devon, for the planting, ruling, ordering and governing of New England in America." This was substantially a reincorporation of the old Plymouth Company. There were "forty-eight patentees, thirteen of whom were peers of the realm, and all men of distinction." Among their privileges was the exclusive right of fishing in the seas adjoining their grant, but so strong was the opposition to this monopoly that it was surrendered.

On August 10, 1622, the Council gave to Sir Ferdinando Gorges and Captain George Mason, jointly, the land between the Merrimac and Sagadahoc rivers which, the grant states, they "with the consent of the President and Council, intend to name the Province of Maine." Mr. Burrage says that "this is the first use of the designation, Province of Maine, in any printed document."

In 1623 six thousand acres of the territory were granted to Christopher Levett, of York, who settled ten men near what is now Portland harbor, but the colony soon disappeared. Later, several settlements were made on the coast of Maine through the enterprise of private persons. On July 15, 1625, the first deed of Maine soil was executed, two Indian chiefs giving to John Brown, of New Harbor, a piece of land including "most of the town of Bristol, all the towns of Nobleborough and Jefferson, also part of the town of Newcastle." The price was "fifty skins." It is said that by 1630 there were eighty-four families "on the St. George's river and at Sheepscot."

In the same year two grants were made, known as the Ligonia, or the Plough Patent, and the Muscongus, or Waldo Patent. The former obtained its names because the land granted was to be called the province of Ligonia (Gorges's mother's maiden name was Lygon), and because the first of the grantees to arrive came to America in a ship called the *Plough*. They appear to have been a "peculiar people," who styled themselves "husbandmen." The second patent was called Muscongus, from an Indian name mentioned in the patent, and "Waldo" because in the eighteenth century Samuel Waldo became owner of by far the greater part of the land granted by the patent, and did much for its settlement.

In 1630 an important grant was made to the Governor of Plymouth, William Bradford, who acted as representative of the Colony. The Pilgrims, in order to obtain the money to come to America, had been obliged to enter into a partnership with certain London merchants, and these men soon began to press for a return on their investment. In 1626 an arrangement was made by which the merchants were to transfer their interest to the colonists for £1800, to be paid in nine equal instalments of £200 a year, beginning with the year 1628. The means for doing this the Pilgrims found in the fur trade. In 1625 Mr. Edward Winslow had bought of the Indians of the Kennebec district, "seven hundred pounds of good beaver and some other furs" for "a shallop's load of corn." The profits of the trade depended largely on maintaining a monopoly, and in 1630 the Pilgrims procured from the Council for New England a grant of the Kennebec river "from Gardiner to falls in the river about half way between Augusta and Waterville," and a strip of land fifteen miles wide on each bank. The Pilgrims built a storehouse at Cushenoc (Augusta), the Indians found them the only buyers, and such quantities of beaver were obtained at moderate prices that by 1633 the proceeds of its sale had discharged the debt to the English merchants three years before the final payment was due.

The Plymouth Colony, to whom Bradford had transferred his rights, retained their Kennebec lands until 1661, when they sold them to Antipas Boies, Edward Tyng, Thomas Brattle and John Winslow. For about a century no effort was made to colonize the district. Their heirs and

other persons admitted as associates formed a corporation called "The Proprietors of the Kennebec Purchase from the late Colony of New Plymouth," which remained in existence until 1816, playing a prominent though not always a beneficial part in the settling of Maine.

The Council for New England was becoming moribund. Its meetings were scantily attended, and on February 13th, 1635, the country between the Hudson and the Kennebec was divided into eight parts and presented to eight members of the Council, and to each part, except the two easternmost, was added ten thousand acres east of the Kennebec. Gorges's share was the land already owned by him between the Piscataqua and the Kennebec, now named New Somersetshire. In 1636 an attempt was made to create a government in the province, and Gorges's nephew, William, was sent over as Governor. He established a court of seven commissioners for the trial of offences, which was duly opened on March 21st, 1636. This was "the first authorized organization attempted in the province." The Governor, however, returned to England the next year, and apparently the court ceased to meet. In 1639 the King issued a charter confirming the grant of New Somersetshire, but "directing that Gorges's 'portion of the mainland' should forever hereafter be called and named the Province or County of Maine, and not by any other name or names whatsoever." Gorges was given most extensive powers, but was only allowed to make laws with the consent of the freeholders "when there shall be any." He appointed a council of seven, the first member being also Deputy Governor, to administer the province and act as a court. As deputy, Sir Ferdinando named his cousin Thomas. Burrage says of him: "From first to last he had the respect of all law-abiding citizens. . . . The three years he spent here, from 1640 to 1643, were passed in a way not only exceedingly creditable to himself, but helpful to the settlers in their desires to secure better conditions; and his name deserves to be accorded high honor for the services he rendered at an important period in the beginning of colonial Maine. It is not too much to say of Thomas Gorges that his was by far the one conspicuously attractive personality in the province in all its early history."[8]

Sir Ferdinando also transformed a little settlement at Agamenticus into a city with an elaborate government, and changed its name to Gorgeana. But scarcely had he organized his province when, as a result of a local quarrel, he was deprived of almost the whole of it. On December 1st, 1631, the Council of New England had granted to Robert Trelawney and Moses Goodyear a large quantity of land on Casco Bay. In 1637 Goodyear died and Trelawney inherited his share. These gentlemen were wealthy Plymouth merchants and neither of them went to New England themselves, but they sent over a manager, John Winter, who pressed his employers' claims with much vigor. About 1630 a certain George Cleeve, a

[8]Burrage, "Beginnings of Colonial Maine," 312.

native of Plymouth, England, settled on the Spurwink in the present Falmouth. Winter warned him off as a trespasser on Trelawney's land, and he moved to the present site of Portland, but Winter challenged his right to this location also. The dispute continued for a number of years, and in 1642 Cleeve went to England and induced Colonel Alexander Rigby, a Puritan member of Parliament, to purchase the old Ligonia or Plough Patent from the surviving patentees, confirm Cleeve's title to the land on which he was settled, which was within the territory granted by the patent, and to appoint him deputy-president of Ligonia. Gorges's deputy, Richard Vines of Saco, persistently refused to recognize Cleeve's authority. But in 1647 the Earl of Warwick and the Commissioners of Foreign Plantations[7] heard the case and decided in favor of Rigby, giving him all the land betwen the Kennebec and the Kennebunk, and leaving to Gorges only the little district in the extreme southwest between the Kennebunk and the Piscataqua.

The opponents of Cleeve now outwardly submitted to his authority, and some of the most prominent of them were entrusted with office. In May, 1647, Sir Ferdinando Gorges died. Two years later, no directions as to the government of his Province of Maine having been received, the inhabitants were assembled at Gorgeana, where they voted to form themselves into a body politic until "further order, power and authority shall come out of England," and to elect magistrates. Edward Godfrey, who had been left in charge by Thomas Gorges, was chosen Governor, "and thus became the first Governor elected by the people in what is now the State of Maine." In 1650 Colonel Rigby died suddenly, and Cleeve went to England with a petition that Parliament would confirm the judgment of the commissioners in favor of Rigby. He was unable, however, to obtain this, and on his return found that a new and formidable claimant to a part of Maine had appeared, the Colony of Massachusetts Bay. Massachusetts had annexed the New Hampshire settlements because of the anarchy into which they had fallen, and she now claimed that her charter included within her limits all the settlements in "Maine" and "Ligonia."

In July, 1652, commissioners from Massachusetts appeared at Kittery and held a conference with Governor Godfrey and other persons exercising authority in the Province of Maine, but neither side would yield. In November, commissioners again appeared, assembled the inhabitants, and set forth the claim of the Bay Colony. After a discussion which lasted four days, forty-one of the inhabitants, probably a large majority of the "freemen of the place," signed a submission to the government of Massachusetts. The commissioners then announced the grant of various privileges. The territory beyond the Piscataqua was to form a separate county

[7]The war between the King and Parliament had terminated in favor of the latter and all authority in England was in their hands and that of their officers.

[8]Vines had sold his land and gone to the Barbadoes.

to be known as Yorkshire. No man in Yorkshire was to be called to any general training of the militia outside of the county without his express consent, and no taxes were to be levied in Yorkshire except for the use of the county. All freemen of Kittery were to be freemen of Massachusetts whether members of the church or not, and Kittery was to be represented in the Legislature of Massachusetts, the "General Court." The Commissioners then proceeded to Gorgeana and received submission there. Godfrey refused to vote, but after the supremacy of Massachusetts had been accepted, gave his consent to what had been done. The "city" was then degraded to a town and its name of Gorgeana was changed to that of York. Massachusetts had from the first looked with scorn on the new city. Governor Winthrop says in his *Journal* that the people of Maine were not invited to join a confederation of other New England colonies, "because they ran a different course from us both in their ministry and civil administration, for they had lately made Acomenticus (a poor village) a corporation, and had made a taylor their mayor, and had entertained one Hull, an excommunicated person, and very contentious, for their minister."[9] Perhaps Massachusetts also wished to wipe out all memory of the "usurper" Gorges.

In 1653 a submission like that of Kittery and Gorgeana was made by Wells, Cape Porpoise and Saco. The dwellers in what is now Scarborough and Portland were more obdurate, but Massachusetts waited patiently, the need of a strong settled government continually became more manifest, and in 1658 her authority was accepted. Among those who signed the submission were George Cleeve, his son-in-law, and Robert Jordan, the holder of the Trelawney property.[10]

Two years after the acquisition of Maine and Ligonia by Massachusetts, England recalled Charles II., and the Bay Colony was threatened with the loss not only of her new territories but of her own charter. The King, however, confirmed the charter, but a committee of Parliament reported that the claims of Mason and Gorges were well-founded, the King's Attorney-General gave an opinion in favor of the heirs of Captain John Mason, and Massachusetts was obliged to surrender New Hampshire. To Maine she clung more tenaciously. There was much unrest and disaffection there. In 1662 not a town in Maine chose a representative to the General Court. Massachusetts, however, firmly asserted her authority, and in the following year three deputies were sent by Maine towns to the Court. In February, 1665, four commissioners appeared in Boston with power from the King to hear and act on complaints and appeals. In June, after failing to obtain a recognition of their authority from Massachusetts, they sailed for New Hampshire and Maine. With them had come an agent of

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[9] *Winthrop's Journal*, II: 99 in "Original Narratives of Early American History."

[10] The authority for nearly all the statements up to this point is Burrage's "The Beginnings of Colonial Maine."

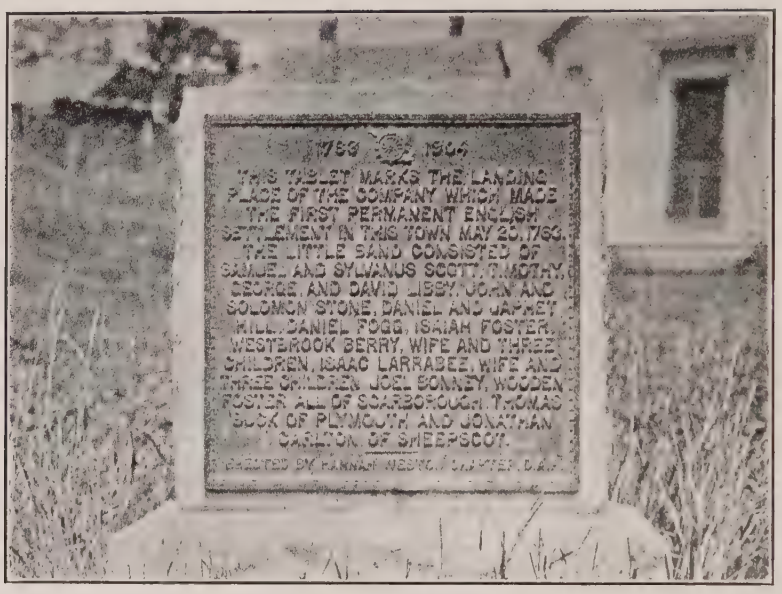
Ferdinando Gorges, the grandson of Sir Ferdinando, bearing a letter from the King commanding the people of Maine to restore the government to Gorges, or without delay show reason to the contrary. These directions were communicated to the Massachusetts authorities but they refused to withdraw their authority on the ground that the order was not addressed to them. The Commissioners told the inhabitants of Maine that the charter rights of Gorges were too great to be held even by one of the most favored subjects, which Mr. Gorges was, and issued a proclamation receiving "all his Majesty's good subjects, living within the Province of Maine, under his immediate protection and government," and appointing certain persons justices of the peace to act as a court and to order the affairs of the province "till the appointment of another government by the Crown." They forbade judges sent by Massachusetts to enter the province and these gentlemen deemed it wise to obey. The authority of the justices was, however, insufficient to maintain order, the legality of their appointment was uncertain, and many desired to again enjoy the firm yet mild rule of Massachusetts. In 1668 the General Court called on the people of Maine to submit to the laws and government of Massachusetts, and sent commissioners to hold a court in York. They were accompanied by a military escort, and the justices, while publicly and vehemently protesting, did not attempt to defend their claims by arms. The Commissioners reestablished the government of Massachusetts and it was not again displaced until, one hundred and fifty years later, Maine, with the consent of Massachusetts became a State of the Union.

It was only in 1677, however, that Massachusetts secured a clear title. A committee of the Privy Council had rendered a decision against her claim, but also unfavorable to that of Gorges, and the latter was induced to sell all his rights to an agent of Massachusetts[11] for £1250.

There was some question in Massachusetts concerning the proper method of governing Maine, but it was decided that Massachusetts had recognized the rights of Gorges by purchasing them, and that as a decision had been given in England against her claims she must act under Gorges's deed and not under her charter, and govern Maine as Gorges might have done, as Penn and Lord Baltimore governed Pennsylvania and Maryland. Accordingly, a President of Maine to serve one year and Councillors to serve until removed were appointed by the assistants (or council) of Massachusetts, and a House of Deputies was elected annually by the Maine towns. The same gentleman, Thomas Danforth of Cambridge, was appointed President year after year, and proved an efficient and popular officer. He visited Maine each year; in his absence his duties were discharged by a Deputy President.

The Province of Maine extended only to the Kennebec. The dis-

[11]This gentleman acted without authority but the colony after a little hesitation accepted the arrangement.


1760
1904
THIS TABLET MARKS THE LANDING
PLACE OF THE COMPANY WHICH MADE
THE FIRST PERMANENT ENGLISH
SETTLEMENT IN THIS TOWN MAY 20, 1760.
THE LITTLE BAND CONSISTED OF
SAMUEL AND SYLVANUS SCOTT, TIMOTHY,
GEORGE, AND DAVID LIBBY, JOHN AND
SOLOMON STONE, DANIEL AND JAPHET
HILL, DANIEL FOGG, ISAIAH FOSTER,
WESTBROOK BERRY, WIFE AND THREE
CHILDREN, ISAAC LARRABEE, WIFE AND
THREE CHILDREN, JOEL BONNEY, WOODEN
FOSTER, ALL OF SCARBOROUGH, THOMAS
BUCK OF PLYMOUTH AND JONATHAN
CARLTON, OF SHEEPSCOT.

tricts to the east, often called the Sagadahoc territory, repeatedly changed ownership and government. The Plymouth Colony attempted a settlement at "Penobscot," that is, on the Castine peninsula, but it was quickly broken up by the French. Mr. Allerton of Plymouth and Richard Vines of Saco built a trading house at Machias, but this also was seized and plundered by the French.

The French, however, not satisfied with driving away the English, proceeded to fight among themselves. For some twelve years an intermittent war was carried on between Charles de la Tour, commandant at St. John, and Aulnay, the commandant at Penobscot. It ended in the capture of St. John after a gallant defense and the "execution" of the garrison, except one man, contrary to Aulnay's solemn promise. La Tour was not in the fort, but his wife was, and had been the life of the defense. The chivalrous Aulnay paraded her on the scaffold with a halter round her neck, and three weeks later she died of grief and shame. Aulnay remained in control until his death in 1651. Next year La Tour married his widow, and succeeded to the authority as well as the wife of his old rival.

In 1654, Cromwell, disregarding a treaty of 1632, which had restored Acadia[12] to France, ordered its reconquest, and Major Sedgwick of Charlestown occupied it without resistance. Cromwell appointed Colonel Thomas Temple, Governor of Nova Scotia, which was described as extending to the St. George's river. In 1667, Charles II. by the treaty of Breda ceded Nova Scotia to France. A supplementary article added in the following year ceded the whole of Acadia and specially mentioned "Pentagoet" or Penobscot.

A regiment of the French army, the "Carignan Salieres," had been stationed at Quebec. After the Peace of Breda, its colonel, Jean Vincent de l'Abadie, Sieur de St. Castin, went into the wilderness. Probably by the way of the Kennebec he drifted into Acadia, and at some date after the surrender of the fort at Pentagoet by Captain Richard Walker to the Chevalier de Grand-Fontaine, August 5, 1670, according to the treaty, he appears in the locality which now bears his name. There he lived for more than thirty years, safeguarding the interests of France on the border and trading with the Indians and the English. M. de Denoville, in his report to the Minister of France, 10 Nov., 1686, described him as a gentlemanly officer, daring and enterprising, loyal, the ruler of the savages, "quite solicitous of honor," and having lately come into a yearly income of 5000 French francs. "It is true that he has been addicted in the past to libertinism . . . but he has very much reformed and has very good sentiments." M. de Menneval, 1 Dec., 1687, writes: "The

[12]The name given by the French to Nova Scotia including the present New Brunswick and eastern Maine. France claimed the country as far as the Kennebec, but would probably have accepted the Penobscot as the boundary, had the English made the offer.

Sieur de St. Castin is absolute master of the savages, the Canibas, (that is, the Kennebec Indians), and of all their business, being in the forest with them since 1665, and having with him two daughters of the chief of the savages, by whom he has many children." On 10 Sept., 1688, Menneval reports: "I have induced the Sieur de St. Castin to live a more regular life. He has quitted his traffic with the English, his debauchery with the savages, he is married, and has promised me to labor to make a settlement in this country." In 1693 a French census reports him at Pentagoet, aged fifty-seven, with a wife and one child. This wife was Mathilde, the youngest daughter of Madockawando, with whose other daughters he had consorted previously. A contemporary English account says that he had three or four Indian wives. Anselm, his son by Mathilde, married Charlotte l'Amours, of Port Royal, 1707, and Anastasie, his daughter by the same, married at the same time (1707) the Baron of Belleisle. A daughter by another Indian woman was married to an Indian in Port Royal, and he had a second acknowledged son, Joseph Dabadis, or Robardie. The Penobscot chief Orono traces to St. Castin, and the Aitteons are reputed to have the same descent.

Of the last years of the Baron Castin, nothing certain is known. Popular report has it that he went back in 1701 to Oleron, France, taking his Indian wife with him, being called to France to answer a charge of illegal trading with the English. But Parkman says that there exists a plan for the capture of Boston, made in 1702 by the Baron Castin. Nothing is known of him after this; but he stands ever the supreme incarnation of romance on the Maine coast, as vivid as his great contemporary, Dumas's "D'Artignan."

In 1664 Charles II. gave the yet to be conquered New Netherlands to his brother, the Duke of York. He also granted him the territory between the Penobscot and the St. Croix. It received a simple form of government under the name of the county of Cornwall, and retained a slight connection with New York until New York and New England were united under the rule of Andros. The Treaty of Breda gave half of Cornwall to France, and Massachusetts, fearing that the rest might follow ordered a new demarcation of her limits. The surveyor reported that the point through which the east and west line which formed her northern boundary ought to run had been placed too far south and that the true line would cross the Kennebec near what is now Bath, terminate at Penobscot Bay, and include Pemaquid, Monhegan and other important places. Commissioners were sent to this district, the people were summoned to swear allegiance, and a new county called Devonshire was established and organized.

For twelve years Massachusetts ruled Maine as Lord Proprietor,

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NOTE—For the above account of Castine the author is indebted to Mrs. Fannie Hardy Eckstorm.

then in 1684 her charter was declared forfeited by the Court of King's Bench, and with the rest of New England she was placed under the rule of Andros. In 1689 James II. was deposed and William of Orange made king. At the first news of William's invasion of England the people of Massachusetts had risen, imprisoned Andros and established a provisional government, restoring the officers who had acted under the former charter. They hoped that their zeal would be rewarded by its restoration, but though William was well disposed toward them there was great opposition to again conferring on Massachusetts privileges which made her almost independent, and she was obliged to accept a new charter less liberal than the former, the Governor being appointed and removed by the King. Maine and Sagadahoc were made a part of Massachusetts instead of dependencies, and it was provided that three of the Governor's Council of twenty-eight should be residents or landowners of Maine and one of Sagadahoc. No lands east of the Kennebec could be granted without the previous approval of the Crown.

In order to soften the disappointment of Massachusetts at not regaining her old charter, a resident of Boston born in the province was appointed the first Royal Governor. The person chosen was Sir William Phipps, a native of Maine. Phipps may be considered the first of America's self-made men.[13] He was one of twenty-six children of a farmer living near the mouth of the Kennebec. Parkman says of him:

"His parents were ignorant and poor, and till eighteen years of age he was employed in keeping sheep. Such a life ill-suited his active and ambitious nature. To better his condition, he learned the trade of ship-carpenter, and in the exercise of it came to Boston, where he married a widow (also a native of Maine), beyond him in years and much above him in station. About this time he learned to read and write. . . . Still aspiring to greater things, he promised his wife that he would one day command a king's ship and own a fair brick house in the Green Lane of North Boston, a quarter then occupied by citizens of the better class. He kept his word at both points."

Phipps never concealed the humbleness of his origin; indeed, he was very proud of having been the architect of his own fortune, and frequently boasted of the fact.

After various unsuccessful ventures he determined to find a Spanish treasure galleon sunk in the West Indies some fifty years before. He induced the English Admiralty to give him a frigate for the purpose, but after long search returned unsuccessful. He had, however, shown the stuff of which he was made by quelling two mutinies. In one of these it is narrated:

"The crew, tired of a vain and toilsome search, came to the quarter-deck, armed with cutlasses, and demanded of the captain that he should

[13]He was also the first person born in what is now the United States to receive a title from the English crown.

turn pirate with them. Phipps, a tall and powerful man, instantly fell upon them with his fists, knocked down the ringleaders, and awed them all into submission. Not long after, there was a more formidable mutiny; but, with great courage and address, he quelled it for a time, and held his crew to their duty till he had brought the ship into Jamaica, and exchanged them for better men.

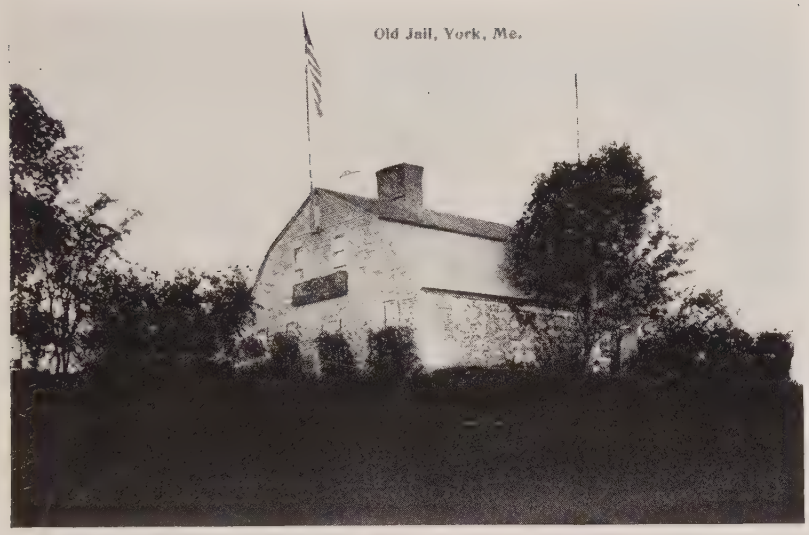
"Though the leaky condition of the frigate compelled him to abandon the search, it was not till he had gained information which he thought would lead to success; at his return he inspired such confidence that the Duke of Albemarle, with other noblemen and gentlemen, gave him a fresh outfit and dispatched him again on his quixotic errand. This time he succeeded; found the wreck, and took from it gold, silver and jewels to the value of three hundred thousand pounds sterling. The crew now leagued together to seize the ship and divide the prize; and Phipps, pushed to extremity, was compelled to promise that every man of them would have a share in the treasure, even if he paid it himself. On reaching England he kept his pledge so well that, after redeeming it, only sixteen thousand pounds was left as his portion, which, however was an ample fortune in the New England of that day. He gained, too, what he valued almost as much, the honor of knighthood. Tempting offers were made him of employment in the royal service; but he had an ardent love for his own country, and thither he presently returned."

For his native village, Phipps always retained an affection, and though his temper was quick he never bore malice and often treated his opponents with great magnanimity. His free use of cane and fists, for which there was more provocation than one would suppose from reading Parkman's account of him, gave an opportunity for his enemies to cause him to be summoned to London to defend himself. Before a decision had been rendered he was attacked by a malignant fever of which he died on February 18th, 1695.[14]

Phipps' appointment as Governor was largely due to the influence of the Mathers, who perhaps hoped that they could use him. He had never shown the qualifications needed for the delicate and difficult position of first Royal Governor of Massachusetts, and he had recently failed in a post for which he might have been supposed to be well fitted, that of Admiral-General. Massachusetts had revolted against Andros in the midst of an Indian war. The French joined them. Maine was ravaged both by savages and by Acadian privateers, and by the autumn of 1691 only four towns in Maine,—Wells, York, Kittery and Appledore,—were inhabited. In 1692 York was attacked, many of the houses burned, and about half the inhabitants killed or carried into captivity; but the fort was bravely defended, and the Indians were unable to take it. Wells was next assailed, the enemy using a movable breast-work and a fire-boat, but here also they were beaten off.

On their part, the English attacked Nova Scotia and even Quebec. In 1689 Phipps captured Port Royal, and appears to have plundered the

[14]Parkman, "Frontenac and New France under Louis XIV," 252-254.



OLD YORK JAIL, BUILT IN 1653

French Governor contrary to the terms of the capitulation.[15] In the following year he led a force raised by Massachusetts at an expense far beyond her means, against Quebec. The expedition was delayed by unfavorable winds, and an invasion by way of Lake Champlain, which had been relied on for a diversion, was not made. Phipps, as always, showed personal courage, but displayed little ability as a commander. At first slow and hesitating, he finally attacked without waiting to properly co-ordinate his land and sea forces, and was repulsed and abandoned the siege. If, however, he had continued the blockade a little longer, the city might have yielded not to arms but to the fear of famine. All the farmers were in the garrison and could not be spared, but unless the harvest were gathered there would be no food for the next winter.

In 1697 peace was made between France and England by the Treaty of Ryswick, which provided that the colonial boundaries should be the same as at the outbreak of the war.

In 1702 France and England again declared war, and the Indians of Maine, breaking a treaty which they had just made, fell upon the settlements. The war lasted until 1713, and though no towns were completely destroyed, Maine suffered severely. The Indians, however, lost over a third of their number by the sword and by disease, and, says Williamson, "Their strength and importance were broken, never to be repaired." By the treaty concluded between France and England at Utrecht, Nova Scotia or Acadia was ceded to England, thus depriving the French of a vantage ground for attack, and, according to the English interpretation of the treaty, annulling the claim of the French to the territory between the St. Croix and the Kennebec. The French, however, denied that they had surrendered this district. They also kept possession of the island of Cape Breton, and somewhat later they erected there a strong fortress built in the most scientific manner, to which and to the town that grew up around it, was given the name of Louisbourg.

Shortly after the treaty, Massachusetts annexed the country between the Kennebec and the St. Croix to the county of Yorkshire. During the next twenty years attempts were made by various persons in England to erect the old Sagadahoc territory into a separate colony, but Massachusetts succeeded in maintaining her rights.

Massachusetts was obliged to defend her eastern territory not only against lawyers and politicians, but against Indian raids and French intrigues. As England and France were at peace, the Governor of Canada did not think it advisable to aid the Indians directly, but he earnestly endeavored to keep them loyal to France. His chief agents were the Jesuit missionaries, of whom the best known was Father Sebastian Rale.[16]

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[15]Parkman says of Phipps that "New England writers describe him as honest in private dealings; but . . . he seems to have thought that anything is fair in war."

[16]Also spelled Ralé, Rale and Rasle.

Rale left France in 1689 to undertake the hard and often disgusting labors of a missionary to the North American Indians. He spent some time among the Indians near Quebec, served for two years as a missionary to the Illinois, was then recalled to Quebec and sent to the village of Narantsook (Norridgewock) where he remained until his death, thirty years later. Rale was well educated, a good classical scholar, and, what was more important for his work, a resolute, self-sacrificing man, devoted to his flock and anxious for their spiritual welfare.

Rale had, however, certain defects. His letters show self-sufficiency, pride in his success, and readiness to believe the stories told by the Indians, although he knew that they were liars. He interested himself in the temporal as well as the spiritual welfare of the tribe, and some of the means which he took to defend them from what he regarded as injustice and robbery could not fail to draw upon him the hatred of the English. He not only denied the validity of treaties by which the Indians had sold their lands, but even asserted that the land could not be sold at all because the tribesmen were only trustees for their children.[17] He wrote letters to the English assuming the position of champion and protector of the Indians, and advised the latter not to pay for cattle they had killed east of a line which they claimed as their boundary. He incited them to prevent the spread of English settlements, threatened with excommunication any one who should visit England, and brought Indians from the Penobscot, the Piscataqua, and even from Canada, to attend a conference with the English and strengthen the party oposed to a treaty. He told the Indians that he would assist them in a just war, accompanied an expedition which attacked an English fort, and showed himself among the assailants to irritate those within.

In his defense it has been urged that there was an uncertainty as to what was ceded to England by the Treaty of Utrecht and that Rale, a Frenchman, was warranted in assuming that the interpretation given by the government of France was the correct one.

His conduct caused both anger and alarm in Massachusetts, and after considerable hesitation an expedition was sent to Norridgewock to seize him. It failed, but so narrow was Rale's escape that he attributed it to an intervention of Providence. Rale saved the vessels of the church, but his "strong box" containing important letters from the Governor of Canada and a dictionary of the Abenaki language prepared by him, fell into the hands of the English.[18]

In August, 1724, war having broke out with the Indians, another expedition was sent against Norridgewock. The village was found entirely unprepared. The inhabitants fled after a slight resistance, some twenty-

[17]There was some justifiaction for these claims in Indian "law."

[18]The box is now in the possession of the Maine Historical Society; the dictionary is in the library of Harvard University; copies of the letters are in the Record Office in London, but the originals have been lost.

SIR WILLIAM PEPPERILL

eight of them were killed, and Rale with them. Two-thirds of the dead were women and children. The assailants lost but one man, a Mohawk.

The manner of Rale's death is uncertain. According to the Indian account, he rushed out at the first alarm, exposing himself to the English in the hope of drawing their attention from the Indians, and was shot down. The English said that Rale was killed while desperately defending a cabin and that he refused quarter, saying that he would neither take nor give it. Perhaps the judgment of Shea, an eminent Catholic authority, may be regarded as the most probable. He considers the whole English account untrustworthy except (a very important exception), that Rale "was killed in a cabin from which a vigorous defense was being made."

The chapel at Norridgewock was burned, Rale's body is said to have been horribly mutilated, and his scalp was borne in triumph to Boston. The sack of Norridgewock, the death of Rale and other disasters which the Indians met with completely discouraged them and in 1725 a treaty of peace was signed.

In 1844 war again broke out between France and England. The principal success of which England could boast was won for her by a Massachusetts army aided by contingents from Connecticut and New Hampshire, and by an English fleet. A large part of the glory of the achievement belongs to Maine. It is to Governor Shirley of Massachusetts that the chief credit is due for inducing the Legislature to undertake the enterprise, but it is claimed that it was suggested to him by William Vaughan, owner of a fishing and trading station at Matinicus and lumber mills at Damariscotta, Maine.

The little Massachusetts squadron that co-operated with the English fleet was commanded by Edward Tyng of Falmouth (now Portland). The commander of the land forces was William Pepperell of Kittery. Pepperell was the son of a Welshman who had emigrated to Kittery when a young man, and had acquired a fortune by means of commerce, shipbuilding and the fisheries. William inherited most of this property and greatly increased it by his ability and industry, and passed for many years as the chief merchant and landowner in New England. He dealt in ships, lumber, naval stores, fish and miscellaneous goods brought from England; and he also prospered greatly by successful land purchases, becoming owner of the large part of the towns of Saco (then a part of Biddeford) and of Scarborough.

Maine was full of ardor. It is said that in Wells sixty-one men, a fourth of those liable to bear arms, volunteered.[19] The oldest soldier in the company was sixty years of age, the youngest sixteen. Maine appears to have sent a third of her citizen-soldiery to Louisbourg, and they constituted nearly a third of the troops furnished by the colony, although Maine had only about 12,000 inhabitants, while Massachusetts proper had some 152,000.

[19]The troops were raised entirely by voluntary enlistment.

Parkman lays great stress on the impossibility of finding a suitable commander for the siege of such a place as Louisbourg. He says: "The province had been at peace for twenty years, and, except some grizzled Indian fighters of the last war and a few survivors of the Carthagena expedition,[20] nobody had seen service. Few knew well what a fortress was, and nobody knew how to attack one. Courage, energy, good sense and popularity were the best qualities to be hoped for in the leader. Popularity was indispensable, for all the soldiers were to be volunteers, and they would enlist only under a commander whom they liked." Parkman admits, indeed, that "Shirley's choice of a commander-in-chief was, perhaps, the best he could have made, as Pepperell joined unusual popularity with as little military incompetence as anybody else who could be had." Parkman, however, seems to consider him as lacking military instincts as well as military training. He says: "The painter Smibert has left us a portrait of Pepperell,—a good bourgeois face, not without dignity, though with no suggestion of the soldier." The description is not inaccurate, but Pepperell's letters show more of the soldier's spirit than does his face. In October, 1743, Governor Shirley had informed Colonel Pepperell of the danger of a war with France, and had bidden him to send the news to places that would be in danger of attack. Pepperell forwarded a copy of the Governor's letter to all the captains in his command, and added: "I hope that He who gave us breath will give us the courage and prudence to behave ourselves like true-born Englishmen." When the men were enlisting for the Louisbourg expedition, Pepperell wrote to a friend in Berwick: "Yesterday I heard that Captain Butler had enlisted, in Berwick, nearly his fifty brave soldiers. This news is like a cordial to me. Last night I received a letter from the war committee saying they thought there was (upon our completing five or six companies of our brave county of York men) the full number proposed to be enlisted and more, so that there will be a number cleared off, but you may be assured that our brave county of York men shall not be cleared off, unless they desire it."

The position of second-in-command, with the rank of major-general, was intended for Samuel Waldo. Though a resident of Boston, he was a large owner of Maine lands and was colonel of a regiment of Maine militia.[21] Massachusetts, however, had appealed to other colonies for aid, and both New Hampshire and Connecticut sent troops. The latter offered five hundred men on condition that their commander should hold the second place in the expedition. Accordingly, Waldo was obliged to content himself with the rank of brigadier. Vaughan accompanied the expedition as a volunteer without command. He was, however, given the rank of lieutenant-colonel, and made a member of Pepperell's council. A naval escort

[20] Massachusetts had contributed a small contingent to the army which accompanied Admiral Vernon in his unsuccessful attack on Carthagena in 1741.

[21] The militia had some time previously been divided into two regiments, Pepperell being colonel of the western and Waldo of the eastern.

was necessary, and a fleet of thirteen armed vessels was collected. Shirley chose as its commander a Maine man, Edward Tyng of Falmouth. He had distinguished himself the preceding year by capturing a French privateer of superior force, and in acknowledgment of his "good service done the trade" several Boston merchants presented him with "an elegant silver cup suitably engraved, of the weight of about one hundred ounces." But if while the siege was in progress one or two large men-of-war should attack Tyng, it was probable that his whole force would be destroyed and that the troops on shore, with their line of supply and retreat cut, would be obliged to surrender or starve. Fortunately Shirley was able to induce Commodore Warren, who commanded a small squadron in the West Indies, to join the expedition.

The bulk of the troops arrived off Louisbourg the 30th of April, and thanks to the skillful management of Pepperell a landing was effected with trivial loss. On the next day a panic of the French officers and the readiness and daring of Vaughan put the Great Battery at the entrance to the harbor into Pepperell's hands. The enemy had made a hurried attempt to disable the cannon but with only partial success. They were soon made fit for service and many of them were turned against the fortress, General Waldo firing the first gun. It was necessary, however, to drag them over more than two miles of swampy land to bring them within bombarding range of Louisbourg. The New Englanders worked with great zeal and courage but with small regard for the technique of siege warfare, and had the enemy been more energetic they might have paid dearly for their rashness. They knew little of the management of artillery, and Warren sent some gunners from the fleet to instruct them. They also were careless about loading, and the better to breach the enemy's works they persisted in double shotting the guns. The results were serious. Some of the most valuable pieces, including the largest mortar, were broken or disabled. Officers who were scarcely less valuable than the guns themselves, were also rendered *hors du combat* by this lack of skill or care. On May 17 Waldo wrote to Pepperell: "Captain Hale of my regiment is dangerously hurt by the bursting of another gun. He was our mainstay for gunnery since Captain Rhodes's misfortune." Captain Rhodes had also been disabled by the bursting of a cannon. But notwithstanding these accidents the bombardment was very effective. An attempt to storm an island battery proved a costly failure, but this was more than compensated by the capture of a French 64 which was bringing stores for the garrison. Pepperell and Warren were about to venture a general assault when, on June 15, the French commander, Duchambon, offered to surrender. The success of an attack was doubtful, a relieving squadron might appear at any time, liberal terms were therefore granted, and Louisbourg opened its gates.

It was a remarkable achievement. The sarcastic Dr. Douglas, then

living at Boston, says that "the expedition had a lawyer for contriver, a merchant for general, and farmers, fishermen, and mechanics for soldiers." Much of the success was due to Pepperell, who kept his undisciplined troops in reasonable order, maintained a good understanding with his officers, and, what was more difficult, with Commodore Warren. Warren co-operated loyally in the siege, but he was anxious lest a French fleet should come to relieve the place, and in urging the necessity of vigorous action sometimes forgot both justice and courtesy. Pepperell behaved with moderation and dignity, and happily there was no permanent ill-feeling between the land and sea commanders, who remained friends for life.

The news of the victory was received with rejoicing in London, the Tower guns were fired, Warren was made an admiral, and Pepperell a baronet. The grant of a baronetcy was the first instance of such an honor being conferred on a native of what is now the United States; priority has been claimed for Sir William Phipps, but he was merely knighted. The King ordered two regular regiments to be enlisted in America, and appointed Pepperell and Shirley their colonels. Vaughan, who had done so much toward making the expedition a success, was passed over. He went to London, hoping to obtain some recognition, but died there without securing it.[22]

In 1748 peace was made between England and France at Aix-la-Chapelle, and a mutual restitution of conquests was agreed on. Louisbourg was therefore surrendered to the French. The New Englanders were extremely angry at what they regarded as an unjustifiable sacrifice of their interests,[23] but Great Britain had lost Madras and had been beaten in the Netherlands, and was fully warranted in making peace on the terms she did. The treaty of Aix-la-Chapelle was scarcely more than a truce, and war between France and England was again formally declared in 1756. Fighting had begun in America in 1754, and what should certainly be styled war in 1755.

Maine suffered during the war from Indian raids, ambushes and murders, but more serious invasions were feared and several new forts were built to protect the settlements. It had been reported that the French were planning to erect a fort on the Kennebec or at one of the carrying places between it and the Chaudiere, a tributary of the St. Lawrence. To meet the supposed danger a timber fort one hundred feet long and forty broad, was erected on the site of the present Winslow and named Fort Halifax in honor of the President of the Board of Trade, the Earl of Halifax, sometimes called on account of his services to American commerce the "Father of the Colonies."

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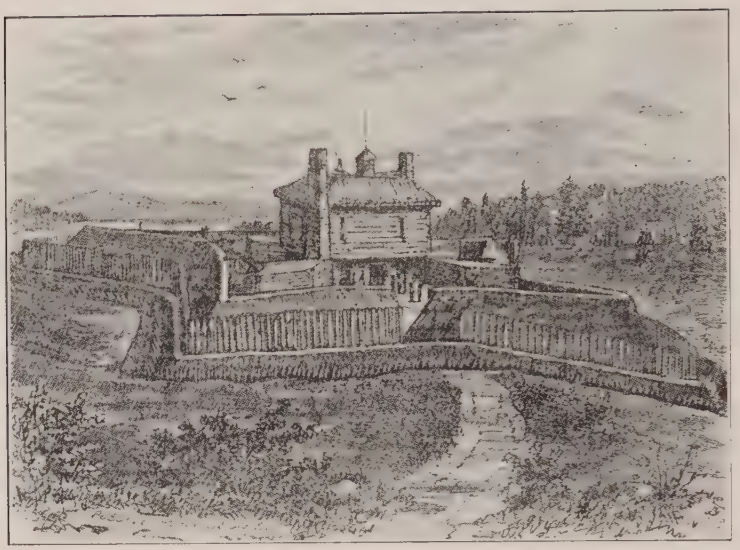
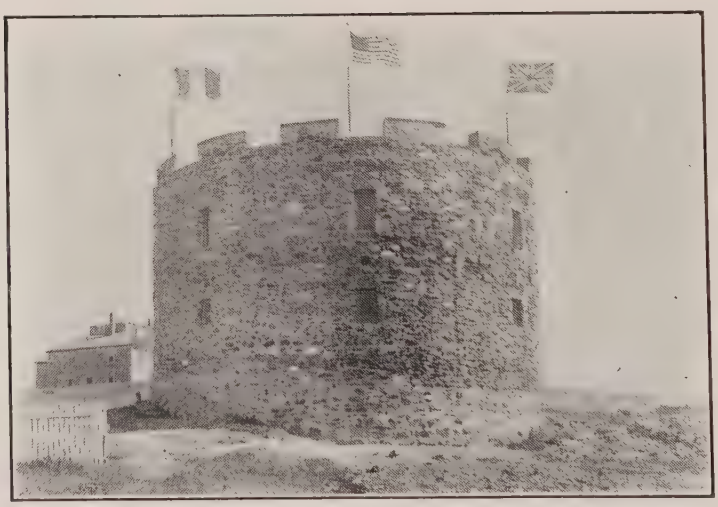
[22]Parkman, "The Capture of Louisbourg by the New England Militia," *Atlantic Monthly* for March, April, May, 1891.

[23]A similar situation would have arisen in South Africa if Great Britain had been obliged to restore the German colonies.

FORT HALIFAX



FORT POWNALL



OLD FORT WILLIAM HENRY, PEMAQUID BEACH

The owners of the Plymouth Patent, or the Kennebec Purchase as it was now called, erected two forts at their own expense. One, called Fort Western, was situated at the head of sloop navigation on the Kennebec, where Augusta now stands. It was about the size of Fort Halifax, and was intended mainly as a depository of provisions and munitions for its garrison. The other, named Fort Shirley, was on the site of the present town of Dresden. It was merely a stockade two hundred feet square, containing two block-houses.

But most important of all was Fort Pownal, built on what is still known as Fort Point, in the present town of Prospect. Governor Pownal himself led an expedition to the Penobscot and ascended the river until the vessels could go no farther. In his journal he says:

"P. M. Landed on the east side the river with 136 men, and proceeded to the head of the first falls, about four miles and a quarter from the first ledge. Clear land on the left for nearly four miles. Brigadier Waldo, whose unremitted zeal for the service had prompted him at the age of 63 to attend me on the expedition, dropped down just above the Falls of an apoplexy, and notwithstanding all the assistance that could be given him, expired in a few moments.

"At the head of the Falls—buried a leaden plate with the following inscription:

"May 23, 1759, Province Massachusetts Bay.
"Dominions of Great Britain—Possession confirmed by T. Pownal, Governor."

General Waldo's remains were brought down to the site chosen for the fort and were buried with military honors, a religious service, and a sermon by the Rev. Mr. Philipps, "the first sermon ever preached within the limits of Waldo county." The body was later taken to Boston and interred in the graveyard of King's Chapel.

The fort when completed was the most elaborate and expensive in the province. It was ninety feet square, surrounded by a ditch and a palisade, and had in the center a block-house mounting cannon.

There was no battle on Maine soil during the French and Indian War, but troops from Maine took some part in the fighting beyond her borders. In 1756, Pepperell's regiment[24] was captured by Montcalm at Oswego. Pepperell, himself, however, was not present. He had been made a major-general in the royal army, and, as was customary, while keeping his regiment, left the actual command to the lieutenant-colonel. In the following year the capture of Fort William Henry threw Massachusetts into a panic, and Pepperell was sent for to organize the defense. In February, 1759, he was promoted to the rank of lieutenant-general in the British army, but did not long enjoy his new honor, dying at his home in Kittery,

[24]The regiment given him in the preceding war had been disbanded but another had been raised for him when war again broke out.

on July 6, less than two months after his companion in arms, General Waldo.

But if Pepperell had not the happiness of seeing the conquest of Canada, he at least lived to know that the flag of England once more waved over Louisbourg. In 1758 the fortress was captured by a British fleet and army. In September, 1759, Quebec was taken; in the following year Montreal and all Canada surrendered; and in 1763 the Peace of Paris transferred the whole province to England. An epoch was now completed. Essentially, if not legally, the colonial period was over. The struggle for independence was about to begin.

Chapter II

THE REVOLUTION

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When England attempted to compel the colonies to pay taxes laid by Parliament, Maine took an early and active part in the resistance which the new policy at once called forth. Falmouth, the principal town of the Province, joined in non-importation agreements. In that of 1767 Boston took the lead and a Falmouth town-meeting formally thanked her people for "their seasonable and very laudable attention to, and concern for, the happiness and welfare of this province as well as of the whole continent." When the port of Boston was closed by act of Parliament, Maine was prompt both with her sympathy and with contributions for relief. On the day the Boston Port Bill took effect, the bell of the Falmouth first parish was muffled and tolled from sunrise until nine o'clock in the evening. In January, 1775, Falmouth sent to the suffering town fifty-two cords of wood, and in March of the same year a second lot of thirty-one cords. Cape Elizabeth sent forty-four cords. The other towns in Maine which contributed cash and supplies were York, North Yarmouth, Kittery, Berwick, Biddeford, Scarborough, Wells, and Gorhamtown.

Maine's zeal for liberty was manifested in less peaceful ways. Stamped clearances were taken from the Custom House by a great crowd and publicly burned, goods seized under the revenue act were carried off by a body of masked men at night, and the comptroller was mobbed to compel him to state who had informed against a vessel seized for smuggling. Two persons were convicted of riot, probably on account of the latter affair, and sentenced to jail, but some thirty men armed with clubs, axes and other weapons stormed the building and rescued them. When the Province charter was changed by Parliament after the Boston Tea Party, a county convention and a mass convention at Falmouth compelled Sheriff Tyng to make a public statement that he had not acted or endeavored to act under the new law, and that he would not do so unless by the general consent of the county.

In the latter part of 1774, war was clearly at hand and the people made ready. There was much disorder, arms were secured and minute-men organized, Tories were carefully watched and were often subjected to insults and harsh treatment.

"The battle of Lexington was fought on the morning of April 19, 1775, the news reached York that evening, and Captain Johnson Moulton collected his company of over sixty men from that old town, and marched on the morning of the next day toward Boston, making fifteen miles and crossing the ferry over Piscataqua river before night. This was the first company that marched from the Province of Maine in (the) war of the Revolution.

"The first information of the battles of Lexington and Concord reached

Falmouth Neck before daylight of April 21, and created much consternation and alarm. That day Capt. John Brackett's company marched toward Boston, followed by companies under command of Capt. Hart Williams, Wentworth Stuart, Abraham Tyler, and probably others from Cumberland county. These were the militia then organized for any immediate service. They proceeded as far as Wells, about thirty miles, when they were ordered to return home to guard the seacoast."[1]

The people of Falmouth had special reason for apprehension, since a British sloop-of-war, the *Canceaux,* Lieutenant (commonly called Captain) Mowatt, commander, was lying in the harbor for the express purpose of protecting one of the Loyalists, Captain Thomas Coulson, in fitting out a new ship, the rigging having been brought from England contrary to the non-importation agreement. Mowatt was no stranger to Maine. In 1759 he had accompanied Governor Pownall on his expedition up the Penobscot, and from 1764 to 1774 he had been employed in the survey of the coast of North America. In 1774 he was stationed off Boston to enforce the closing of the harbor. Mowatt was now in his forty-second year. Naturally of a quick temper and stern in executing the orders of his superiors, he was also capable of showing much kindness and consideration.[2]

Under the protection of the *Canceaux,* Coulson began to transfer the rigging to his new ship. But no Falmouth man would help in the work, and it seemed that Coulson's scheme must fail unless Mowatt should lend him a part of his crew. Mowatt was said to have impressed seamen, and it was suspected that they were wanted not for the *Canceaux* but for Coulson's ship. There was great excitement, and in the midst of it came the news of Lexington. Troops were raised at once, but no injury or insult was offered to the *Canceaux.* The merchants feared a bombardment of the town and the destruction of their property; moreover, there was a scarcity of provisions, vessels with supplies were expected a little later, and should the British blockade the town great suffering must result. Therefore, far from attacking Mowatt, the committee of correspondence exerted itself to prevent others from doing so. Nevertheless, General Samuel Thompson of Brunswick, a very energetic Whig, quietly brought a body of armed men to Falmouth Neck and seized Mowatt, who was unsuspectingly taking a walk. The town was thrown into wild excitement. Some Tories declared that the Falmouth militia ought to rescue the prisoners. At last Thompson consented to allow Mowatt to go to the ship for the night, on promising to return the next morning. He, however, broke his word, alleging that several men had threatened to shoot him. Thompson had been reinforced by several militia companies of the neighborhood, but there seemed to be no way of getting at the *Canceaux,* and the leading men of Falmouth finally induced their unwelcome guests to return home.

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[1]Goold, "Col. Edmund Phinney's 31st Regiment of Foot," Coll. Me., Historical Society, II: VII, 86-87.

[2]See Col. Brewer's letter in Appendix II:10 of Wheeler's "Castine."

Two boats, one of which at least belonged to the *Canceaux,* had been seized and hauled overland to Back Cove. Saturday, Mowatt wrote to the town demanding the return of the boats and the expulsion of the "cowardly mob from the country." On Monday an answer was given that "the town disapproved of the proceedings of the armed body, but . . . were unable to resist them." Apparently Mowatt was satisfied with this statement, for he sailed away, accompanied by Coulson and the new ship that had caused so much trouble.

The reply of the town was more prudent than patriotic, but it was strictly true. The whole affair was extremely disagreeable to the leading Whigs. They were men of means and position, they were anxious for their property, and were inclined to look down on "the mob."

A member of the committee of safety, probably the chairman, General Preble, wrote on May 11, "Good God! Give us a regular government or we are undone," and two days later, "God grant that order may come out of confusion, and that Congress would give such directions in all parts of the province that no such tumultuous assemblies may be seen, heard or felt again."

On June 7 a small man-of-war, the *Senegal,* arrived in the harbor, and five days later came Coulson in his new ship to get a number of masts belonging to him, but they were floated out of his reach. A boat he sent for them was seized, but her crew was released after a short detention, and the *Senegal* withdrew without injuring the town. Though no further effort was made to obtain the masts, the treatment of Coulson and Mowatt in Falmouth was not forgotten, and of this the town was to have bitter proof.

On October 16, the *Canceaux,* accompanied by several other vessels, appeared at the entrance of the harbor. The people supposed that they had come to obtain provisions from the islands in Casco Bay. There were two companies of militia stationed at Falmouth, and the greater part of one company and a portion of the other were sent to guard the islands. The next day Mowatt anchored his fleet opposite the most thickly settled part of the town, and in the afternoon sent an officer on shore with a letter that Rev. Mr. Deane described as "full of bad English and worse spelling," in which he stated that he was ordered to inflict "a just punishment" on Falmouth for her ingratitude and rebellion, and gave the inhabitants two hours to remove the "human specie" from the town. A committee was sent to beg for better terms but could only obtain a respite until eight the next morning and a promise from Mowatt that if the people would surrender their arms he would await further orders from Admiral Graves at Boston, who he had no doubt would direct him to spare the place.

The next morning the people of Falmouth courageously refused the terms, and Mowatt bombarded the town almost continuously from nine in the morning until six in the evening. A detachment of marines accom-

panied the squadron and furnished landing parties, who set fire to numerous buildings. No lives were lost on either side, and but one man was severely injured, a citizen of Falmouth, Reuben Clough by name. One hundred and thirty-six dwelling-houses were destroyed, also the courthouse, townhouse, customhouse and Episcopal church. The selectmen stated that "as near as we can judge, about three-quarters of the buildings, reckoning according to their value, are consumed." The people were too alarmed and confused to offer any real resistance, though a small force well handled might have driven off the landing parties and prevented much of the mischief. The citizens of Falmouth were afterward blamed for not throwing up a breastwork in the night, but they were very anxious to save their property; there was not enough ammunition in the town to answer the ship's bombardment for an hour, and, most important of all, there was no leadership. A few weeks later Rev. Mr. Deane wrote to a friend in the Massachusetts Congress:

"About two-thirds of the buildings, in general the best, have been laid in ashes by Mowatt. He could not have done it if the sixty men, in the province pay stationed here, had been properly commanded. The company is by your honorable Court put under the direction of a committee. The committee were so employed in getting out their families and effects that they did not assemble to give orders. Individuals of the committee gave contrary directions to the captain, so that all the opposition made to the landing of men with torches during the cannonade was by volunteers without any leaders or direction."

The village of Machias had been threatened with a fate like that of Falmouth, but escaped it and won much honor in doing so, thanks to the courage and energy of some of her citizens and of those of the adjoining plantations.

Captain Ichabod Jones, a leading citizen of the little settlement, then only twelve years old, had been allowed by Admiral Graves to bring a shipload of provisions from Boston in his vessel, the *Unity,* on condition that he return with lumber which was much needed by the British army for the construction of barracks. To ensure the arrangement being carried out, he was accompanied by a small armed tender, the *Margaretta,* commanded by Midshipman (commonly called Captain) Moore. The town, being in great need of provisions and under the guns of the tender, agreed to the terms, but Captain Jones refused to sell provisions to those who had voted against allowing him to carry off the lumber. Angered at his conduct, some of the leading patriots sent to the neighboring settlements for help, and after an unsuccessful attempt to capture Jones and Moore while attending church, attacked the tender. There was some shooting without injury on either side, and next morning the *Margaretta* made off. What followed is thus described in a letter written two days later to the Massachusetts Congress by the Machias committee of correspondence:

OLD BURNHAM TAVERN, MACHIAS

"About forty men, armed with guns, swords, axes, & pitch forks, went in Capt. Jones's sloop, under the command of Capt. Jeremiah O'Brien; about twenty, armed in the same manner, & under the command of Capt. Benjamin Foster, went in a small schooner. During the Chase, our people built them breastworks of pine boards, and anything they could find in the Vessells, that would screen them from the enemy's fire. The Tender, upon the first appearance of our people, cut her boats from the stern, & made all the sail she could—but being a very dull sailor, they soon came up with her, and a most obstinate engagement ensued, both sides being determined to conquer or die: but the Tender was obliged to yield, her Captain was wounded in the breast with two balls, of which wounds he died next morning; poor Mr. Avery* was killed, and one of the marines, and five wounded. Only one of our men was killed and six wounded, one of which is since dead of his wounds."[3]

Tradition, and the recollections of survivors, some of which were given twenty-five and others over forty years later, make many additions to the story. One is that only O'Brien's vessel took part in the attack on the tender, Foster's having grounded. Whatever the difference in details, the fact remains that the action was highly creditable to the Americans who, with no cannon, few muskets, and little powder, attacked an armed vessel manned by sailors of the English navy, well supplied with arms and ammunition.

Maine was not only an object of attack, it served as a base, at least a highway, for an invasion of the provinces which were unable or unwilling to join in the revolt.

In 1775 Benedict Arnold made his famous march through the Maine wilderness to Quebec. One division which contained a small company of Maine volunteers lost courage and returned to the settlements, and the Maine captain was one of the officers who voted to retreat. It may be said in excuse that the situation of the troops was most perilous, and that those who pressed on barely escaped starvation, but they did reach Quebec, and Professor Justin H. Smith says in his elaborate study of Arnold's march that probably there was no need for the whole division to return.

The second attack on the British by the way of Maine was an ill-judged and disastrous invasion of Nova Scotia by a handful of men led by a refugee, Colonel Eddy, who hoped that the settlers from New England living in the province would join them. A number did so, but troops from Halifax broke up their camp and destroyed a great part of their stores. Eddy was compelled to fall back to the St. John, and then to abandon Nova Scotia entirely. Many of those who joined him were obliged to flee from the country, leaving their families in great distress. The expedition was a rash one, and accomplished little beyond bringing hardship and exile to many worthy friends of America. A second attempt under another refugee,

*He had been impressed to act as pilot.
[3]"Documentary History," II: XIV, 280.

Colonel John Allan, also failed. The British, fearing further attack, sent an expedition against Machias which was repulsed, thanks to the courage of the inhabitants and of a number of friendly Indians who were in the town for a conference.

No further attack was made on Machias, but the whole country east of the Penobscot was subjected to harrassing visits by the British vessels of war. Particularly was this the case after the occupation of the Castine peninsula in 1779. Communication with Boston was almost cut off, there was often the most serious scarcity of provisions, an illicit trade with Nova Scotia sprang up, and many were ready to accept neutrality or even to submit to the enemy.

The British also made repeated efforts to win over the St. John and Passamaquoddy Indians, but Colonel Allan, though greatly hampered by lack of troops, of money and of supplies, and by the misconduct of traders, succeeded in keeping them faithful to the Americans. He was, however, obliged to resort to extraordinary measures. On one occasion he forged a letter of thanks from the Massachusetts Council, and on another, when he went to Boston to endeavor to obtain supplies, he left two of his sons with the Indians as pledges of his loyalty to them, and the boys remained as hostages one or two years.

The most dangerous attack on Maine during the Revolution was the seizure by the British of the Maja Bigaduce, now Castine, peninsula. There had been a revival of the old scheme of making a separate province of the "Sagadahoc" territory. The new colony was to be a place of refuge for exiled loyalists, and was intended to serve also as a defense for Nova Scotia and an advanced post against New England.

The occupying force was commanded by Brigadier-General Francis McLean, and consisted of about six hundred and fifty men, exclusive of officers. One of the subalterns was John (later Sir John) Moore, famous for his work in forming many of the best officers of the British army, for his care of the private soldiers, and because of the poem describing his burial. The transports were escorted by a small naval squadron under Captain Barclay.

The British reached Bigaduce on June 17, 1779. If confidence can be placed in statements made seventy-five years later by one who was a boy of fourteen at the time,[2] they landed very cautiously, peering about as if in dread of an ambush, and returned to their ships before nightfall. But no resistance was attempted and the next day they landed again, this

[1]Sometimes written Major Bigaduce, and thought to have been named for a French officer. Majabigaduce is, however, an Indian word, and probably means bad harbor. The name seems peculiarly inappropriate for the fine bay of Castine, but it may refer to a particular case of accident; moreover, the wind might make the place dangerous for canoes.

[2]William Hutchins. He later enlisted in the American army and his name was the last but one on the pension roll of the Revolution, the last being that of Bakeman of New York who survived him a few months.

time permanently. Barclay soon returned to Halifax, leaving behind three sloops,—the *Albany, North* and *Nautilus,* under Captain Mowatt, the destroyer of Falmouth.[6] Plans were made for a strong fort, to be placed on high ground in the center of the peninsula, and called Fort George. The work, however, progressed but slowly, and on July 18 news was received that an American fleet and army were being made ready at Boston to recapture Bigaduce.

On the 24th of July a large fleet was seen standing up the bay. The expedition was a State, not a Continental, one. It was organized and directed by Massachusetts, and she furnished all the troops and most of the ships. Massachusetts had acted with great promptness, alarmed by the danger to her supply of wood, and warned by Brigadier-General Cushing at Pownalborough of the importance of attacking the British before they had time to fortify.

On the 24th of June the General Court directed steps to be taken for the fitting out of such vessels as could be made ready in six days for an expedition against Bigaduce. Orders were also issued for the purchase of large quantities of provisions, ammunition, etc. The command of the land forces was given to Solomon Lovell, of Weymouth. Peleg Wadsworth of Duxbury (subsequently of Gorham and Falmouth), was second in command. Most of the soldiers were to be drawn from the Maine militia, but Massachusetts sent the State regiment of artillery under Lieutenant-Colonel Paul Revere. There was also a fleet consisting of three armed vessels belonging to Massachusetts, a dozen privateers hired, or in one case impressed by her, a privateer hired and furnished by New Hampshire, and three Continental vessels lent by the Naval Board at Boston. Their senior officer, Captain Saltonstall of the *Warren,* was made commodore of the fleet, a very unfortunate choice.

Orders had been issued to the commanders of the militia in the counties of Lincoln and Cumberland to provide six hundred men each, and to the Brigadier-General of York county to send three hundred.[7] Transports were dispatched in advance of the fleet to Casco Bay, to take the militia to Townshend. But when General Lovell reached there he found less than one thousand troops, instead of the fifteen hundred called out. Even these had been assembled with great difficulty; they were without training, and ill provided with arms and ammunition, and many were unfit for duty. In the investigation after the failure of the expedition, the adjutant-general of the force testified that "one reason of the deficiency was this: some officers, whose duty it was to detach the men, considered the orders to include officers as part of the detail; some included the men who had enter'd on board the fleet out of their towns, for the expedition

[6] Williamson, "Sir John Moore at Castine during the Revolution," Coll. Me. Hist. Soc., II: II, 403.

[7] The Cumberland regiment was commanded by Colonel Jonathan Mitchell, the Lincoln, by Colonel Samuel McCobb, and the York troops by Major Daniel Littlefield.

and perhaps a short cruise; and some sent boys, old men and invalids; if they belonged to the train band or alarm list they were soldiers, whether they could carry a gun, walk a mile without crutches, or only *compos mentis* sufficient to keep themselves out of fire and water." General Wadsworth testified "that at least one-fourth part of the troops appeared to me to be small boys and old men, and unfit for the service."[8]

On July 25, the fleet arrived at Penobscot, and a part approached the harbor and engaged in a long distance cannonade with Mowatt's vessels, with no other result than to give the enemy proof of the prudence of the American commodore and the awkwardness of his men.

On the 20th Banks Island was occupied and a flag and four cannon, two mounted, two unmounted, were taken. The Americans lost only three men but one of these was Major Littlefield, the commander of the York militia, an excellent officer.

It is probable that if Saltonstall had had a little of the spirit of Farragut at Mobile, or Dewey at Manilla, much more could have been accomplished. But no exhortations or arguments then or later could induce him to dash into the harbor, destroy Mowatt's three small vessels with his greatly superior force, and assist Lovell in an attack on the fort.

On the 27th it was decided that the marines and militia should attempt a landing on the peninsula early next day. Accordingly, at three in the morning the troops were ordered into the boats, and a little before sunrise they gave three cheers and pulled for the shore under cover of a constant fire from five of the ships. The enemy were posted on a bluff high and difficult of ascent, but the Americans attacked with vigor and courage, though in some disorder. They were formed in three divisions,—the marines and part of Colonel McCobb's regiment on the right; the remainder of his regiment, the artillery serving as infantry, and the volunteers, in the center, with whom was General Lovell; and Colonel Mitchell's regiment on the left. In less than twenty minutes the enemy gave way and fled, pursued by the Americans.

The British were inferior in numbers, were mainly new recruits, and had been considerably shaken by the cannonade from the fleet. Their commander also was guilty of mismanagement or worse. He bade his men hold their fire until the Americans landed, and, after they had given the enemy a single volley, he ordered a retreat. The only officer who stood his ground was Lieutenant Moore, then in battle for the first time.

Lovell was highly pleased with his success, but it is possible that much more could have been done. Neither the fort nor the British soldiers were in a condition to withstand a vigorous assault such as Wayne made at Stony Point. Moore states that it would not have been a difficult matter to have stormed one of the bastions on which work had been only begun.

[8]Wheeler, "History of Castine," 293.

Moreover, many of the garrison were new recruits, and had been disheartened by the American cannonade and the defeat of the picket.

Lovell decided to resort to siege operations, from which he hoped a quick success, but several days passed without important result, except that the enemy's works continually grew stronger. Some attacks were made on outworks, but not much was accomplished, and the behavior of many of the officers and privates of the militia was the reverse of creditable. During the siege Lovell was continually urging Saltonstall to enter the harbor and destroy Mowatt's little squadron, but he refused unless the army would at the same time storm the fort which, after the first few days, was quite impracticable. At last, however, arrangements were made for a joint attack, but as it was about to be delivered, news was brought that a fleet was coming up the bay. The attack was at once abandoned. At midnight Lovell received word from the Commodore that the fleet was British, and promptly embarked his men. Saltonstall had drawn up his ships in the form of a crescent to make a show of resistance, but when the enemy appeared standing boldly for the center of the line, the whole gave way, each vessel seeking its own safety but none finding it. In about twenty-four hours all the armed vessels had been destroyed by their crews except four which fell into the enemy's hands. The transports met a like fate. The militia made their way to their homes as best they might, except five companies which were kept together by the exertions of their officers and were stationed at various points on the coast to protect it against raids.

The Massachusetts Council and House of Representatives appointed a committee of investigation who examined Lovell, Wadsworth, and various military and naval officers, and reported unanimously that the chief reason for the failure was the "want of proper spirit and energy in the Commodore." Saltonstall was shortly after tried by a court-martial and dismissed from the Continental service. The exact charges and specifications against him are not known. Popular rumor had accused him of treachery and cowardice. It is not likely, however, that Saltonstall was either a traitor or a craven, but of his extreme unwillingness to risk either ships or men at Penobscot there can be no doubt. The blame for the failure to attack Mowatt must be shared by captains of the privateers. Any injury to their ships would mean the loss of a cruise and its profits, and consequently the majority of them were always against attack.

The committee of investigation highly praised the conduct of Gens. Lovell and Wadsworth, although in the case of the latter they were divided in opinion. They slightly censured Colonel Mitchell for returning home without orders. Numerous charges, the result perhaps of personal enmity, were preferred against Revere. The committee found him culpable in disputing during the retreat the orders of General Wadsworth, and that he was not wholly justified in going to Boston with his regiment without the leave of his superior officer. By General Wadsworth's testimony it

would appear that Revere's conduct was indeed culpable. Wadsworth swore: "A small schooner in which was the greatest part of our provisions was then in the strength of the tide, drifting down on the enemy; it was in vain that a number of boats were ordered to tow her across the stream, and with much difficulty that a boat was got off to take out her crew. In this I was directly opposed by Lieutenant-Colonel Paul Revere, who said that I had no right to command either him or the boat (Revere claimed that he was ordered to obey Wadsworth during the expedition, and that the expedition was over), and gave orders to the contrary. The boat went off to the schooner. The reason Lieutenant-Colonel Revere gave for the boat's not going off to the schooner was, that he had all his private baggage at stake, and asked who would thank him for losing that, in attempting to save the schooner to the State. I asked him whether he came there to take care of his private baggage, or to serve the State."[9]

Being dissatisfied with the findings of the committee, Revere repeatedly demanded a court-martial, and in 1782 obtained one. There were two charges, the refusal of the boat, and the return without orders. The court found that Revere did refuse the boat, but acquitted him because he acted on a sudden impulse, and particularly because the boat was actually employed in the manner desired by General Wadsworth. On the second charge the court found that "the whole army was in great confusion and so scattered and dispersed that no regular orders were or could be given," and were "of the opinion that Lieutenant-Colonel Revere be acquitted with equal honor as the other officers in the same expedition."

During the war, Maine furnished many soldiers to the Continental army, but as the regiments in which they served were Massachusetts regiments she has not received the credit to which she is entitled. In January, 1776, James Sullivan, of Biddeford, then acting as commissary for the Maine troops, wrote to Samuel Freeman at the Provincial Congress:

"Falmouth 31 Jan., 1776.

"Sir: Since I wrote you last I received a resolve of Court, wherein I find I am directed to assist in raising two hundred and thirty-eight men in the County of York. I shall obey orders, and do my best, and make no doubt but the men may be had, which will leave the seacoast of the country entirely without firearms, for our arms were taken from our people on the last of December by order of Congress, an enlistment for Cambridge will strip us of men for this winter, and if our guns are again stopped, we shall be in the spring without firearms. I venture to affirm as a fact, that more than half the men of Biddeford and Pepperellborough are now in camp at Cambridge. The four hundred men at Falmouth can never be raised, as every one who can leave home is gone or going to Cambridge. The officers appointed here have no commissions, nor has General Frye any instructions. You might have sent the commis-

[9]General references for the Penobscot expedition: Wheeler, "History of Castine"; Weymouth Historical Society Proceedings, I, containing a sketch of Lovell's life, and his journal; Coll. Me. Hist. Soc. Doc. Hist. II: XV, XVI (Baxter Mss.).

sions before now if you had attended to the safety of your own country, and hope you will send by the first conveyance. If the General should order another reinforcement they must draw upon this part of the province for women instead of men, and for knives and forks instead of arms, otherwise they cannot be obeyed.

"I am your humble servant,

"JAMES SULLIVAN."

A careful investigation made at the instance of Rev. Henry S. Burrage shows that fully a thousand Maine men were at Valley Forge. In 1907 a granite marker containing a bronze tablet suitably inscribed was erected to the memory of these heroes.

In 1783 peace was made, and England acknowledged the independence of the United States. The St. Croix river was declared the eastern boundary.

With the Revolution there not only passed away for Maine dependence on a foreign power, but there also ceased the sharing with the Indian tribes of control over her own soil. They shrank from the position of co-sovereigns to that of wards. Williamson says, "After allowing to them a restricted territory, the rivers and forests were no longer theirs. The fee and virtual possession of all the ungranted region, it was agreed on all hands, were in the State."

At this point in the narrative, when the Indians of Maine cease to be of political importance, it may be appropriate to consider briefly their history and customs.

Chapter III

THE INDIANS OF MAINE

CHAPTER III

THE INDIANS OF MAINE

By Fannie Hardy Eckstrom.

[This chapter aims to give the general reader the information about the tribes, language, traditions, government and customs of the Maine Indians not easily accessible to him in books. It does not rehearse the details of border warfare and treaties, which may be found in all standard works.]

When their resemblances are emphasized, rather than their differences, it is easy to understand the ethnological place of the New England Indians. Within historic times they have all been of the great Algonquin stock, whose nations, broken only by the great "islands" of the Sioux and the Iroquois, extended from the Blackfeet of the Rockies to the Boethuks of Newfoundland, from Hudson Bay to the Carolinas. All spoke languages essentially similar. Many of the words in Longfellow's "Hiawatha" are used by Maine Indians today, and Maqua, the word by which Cooper's Mohicans always called the Iroquois, is the word the Penobscot still uses when speaking of his once dreaded foe.

Of the seven principal tribes in New England, three were crushed in open conflict with the English,—the Pequots, the Narragansetts and the Wampanoags (including the Pokanokets of Cape Cod), and three others,—the Massachusetts Bay Indians, the Quinnipiaks of New Haven and the Mohegans of the Sound,—either drifted westward or wore away insensibly. King Philip's War, in 1675, ended all acute dangers from the Indians of southern New England. But with the seventh division, the Eastern Indians, or Abenakis, it was only the beginning of almost a century of the bloodiest warfare in Indian history. From Deerfield to Haverhill, from Dunstable to Dover, from Berwick to the Penobscot was the frontier of all frontiers, held only by incomparable English steadfastness.

The word Abenaki, (from *waban,* dawn, and *aki,* land), happily rendered by Joseph Necolar as "the Dawnlanders," is the precise equivalent of "Eastern Indians." Treaties[1] show that these included all from the upper Connecticut River to the Micmacs of Nova Scotia. Though many writers limit the Abenakis to the typical tribes of the central rivers of Maine, Lescarbot, in 1611, included the Micmacs, and Dr. William Douglass, in 1755, included the Masiassuks of Lake Champlain. According to the treaties, the Abenakis,[2] from west to east, were: first, the Pennacooks of New Hampshire, always friendly or neutral; second, the Saco Indians (called Sokokis by the French, Sokwakiaks by the Indians) nearly

[1]For example, that of 11 Aug., 1693, at Pemequid, and that of 7 Jan., 1698-9, at Casco Bay, ratified by the Merrimack River Indians, though not actually signed by them.

[2]Written also Abenaqui, Abnaki, Wabanaki, Wapanaki, etc.

related to the Pennacooks, but warlike, whose fighting sub-tribe, the Pigwackets, or Pequakets, was broken by their defeat at Fryeburg, 1725; third, the Androscoggins, or Anasagunticooks, of whom the Pejepscots, at Brunswick, were a sub-tribe; fourth, the Kennebec Indians, including the Norridgwocks of the upper, the Canibas, Kenebis, or Kennebecs proper, of the middle, and the Sheepscots of the mouth of the Kennebec River; fifth, the Wawenocks of Knox and Lincoln Counties, centering upon George's River; sixth, the Penobscots and the Pentagöets; seventh, the Passamaquoddies of the Machias and St. Croix Rivers; eighth, the St. John River Indians. It is impossible in brief space to give the printed variations of these tribal names. The early records show a bewildering variety, which later writers have copied only too faithfully. When John could be spelled "Goen," and the Pilgrim Winslow could be transformed into "Monsieur Huisland" (Parkman), and the signature of Joseph Orono could become "J. Horns" (Baxter Manuscripts, XX: 81), what happened to the aboriginal names, pulled and hauled between French and English, distances the imagination. It is always correct to designate any tribe by the name of the river lying nearest to it.

Contrary to the popular opinion that there were sharp differences between these Indian tribes, making reference to them a matter of nice distinctions, within historic times the Maine Indians have moved about as freely as the whites of one county intermingle with those of another. They intermarried, visited, even signed treaties as delegates from tribes not their own, and the differences in their dialects were less than those of the English counties of today. Although of all the tribes the most stable, the Penobscots within the last century have included, but not always for life, individuals from Tobique, Lewey's Island, the Saguenay River and Vielle Lorette, some Micmacs, many Passamaquoddies, some from the St. Francis tribe near Quebec, many descended from the Norridgwocks and even some of their inveterate foes, the Mohawks. They in turn have wandered far, living for years in distant places. That something similar occurred in ancient days, we shall discover when we try to ascertain the origin of the great chief, Madockawando.

The language of the Abenakis falls into three natural dialects. The New Hampshire and Saco Indians used one dialect, now extinct. The Androscoggin, Kennebec and Penobscot tribes spoke the true Abenaki of the French, now represented by the modernized "Penobscot Indian." The St. John's and Passamaquoddy Indians speak a third dialect, called Maliseet, (Mareschite, Amalicite), which varies in pronunications, terminations and in many important words. To the Abenakis of Maine, as a linguistic group, must be added two tribes of Canada Indians, the Walinonoaks of the mission of Beçancourt, and the Alsigunticooks (Ercegunticooks or Arousagunticooks of English writers), or St. Francis Indians. These were Maine Indians,—mingled Penobscots, Norridgwocks, Pig-

wackets and Ossipee Indians,—broken by the combined English and Mohawk wars and removed by the French to a safer location.[3] The first of these emigrations began, according to the Abbé Maurault,[4] about 1680, as the result of the Mohawk, or Iroquois, invasions. The second great emigration was the result of the successful English raids of 1724 and 1725. The movement was not complete until a quarter of a century later.

These historic emigrations to the northwest must be distinguished from the prehistoric migrations from the westward by which the Abenakis arrived in Maine.[5] Their own traditions recognize such a movement. Long ago Chief Francis, of the Penobscots, told Judge Williamson that all the Maine Indians "between the Saco and the River St. John, both inclusive, were brothers; that each tribe was younger as we passed eastward." Joseph Necolar[6] says that at *K'chi-sko-tek,* the Great Council Fire at Caughnawaga, "the people divided themselves into three classes, the father, the eldest son and the youngest son. 'Odur-wur' was the father, 'Wur-bar-Nar-ki—dawn-lander', the eldest son, and 'Mik-Mur—the last born', was the youngest son. And after the division was made the oldest Mik-Mur present was undressed and put into *T'ki-nur-gann,* cradle, where he was kept tied and fed all day like a little babe, and every time the delegation met at the grand council fire this performance was repeated, showing that [since] the Mik-Mur was once selected as the youngest of all, he must always be treated like a little baby." *Mikmur* is clearly Mickmuc, or Micmac, a tribe with Abenaki traditions but widely aberrant in language and habits. This Indian tradition recognizes them as comparatively new to their present home.

What this eastward movement was the archaeologist and the linguist must determine; but the Abenaki tongue bears witness in a curious way to the fact that when the English settlers first came in numbers, the Maine Indians were massed near to Massachusetts Bay. Remembering what wanderers they were, how King Philip's cousin signs Maine deeds, how Samo-

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[3]Sullivan, "History of Maine," (1795); Hutchinson, "History of Massachusetts Bay Colony," (1767); Douglass, Summary Historical and Political, etc. (1755).

[4]L'histoire des Abenakis (Montreal, 1865).

[5]Archaeology lies outside the province of this chapter, but nowhere are there more interesting evidences of earlier occupation of the land than in Maine. Its shores are dotted with shell-heaps left by departed tribes, some four hundred having been mapped out years ago by Prof. Arlo Bates. Those at Damariscotta were the largest known, the work of centuries, so old that since last used large oak trees had grown on them. This was neutral ground and tribal traditions say that even from Massachusetts the tribes came thither to gather the oysters, clams and acorns.

In 1892, Mr. C. C. Willoughby discovered evidences of a still earlier occupation, which Prof. Warren Moorehead, in 1912 and since, has studied critically. From the abundance of red ochre found in the burial places, he has named these "the Red-paint People." Their remains are found principally on the lower Penobscot river and down the east coast of that bay and shoreward easterly.

Mr. Walter L. Smith, of Brewer, has made important local studies, and in 1877, Mr. Manly Hardy found on Great Deer Isle the first authentic evidence of cannibalism in New England, so often mentioned by early voyagers.

[6]The Life and Traditions of the Red Man (Bangor, 1893), p. 138.

set, who greeted the Pilgrims at Plymouth with "Much welcome, Englishmen," was the same John Summerset who sold the land between Pemequid and Round Pond, by the first land deed ever drawn in Maine, it is not necessary to imagine any complete or long withdrawal from their own territory. But the language indicates that at just the period when it had to take on many new words they were out of touch with the French and were intimate with English domestic life. The Abenaki tongue is full of English words. Among the Penobscots, the Maliseets and the St. Francis Indians alike, the names of all domestic animals except the dog, of all imported articles of food, save a few trifles, of many introduced conveniences, and other important words are English. *Hahás, kúose* (or *Káoz*) and *piks* represent not unfairly the early English settlers' pronunciation of "horse," "cow" and "pigs." *Pussoó,* the wild cat, if not "cat" is "puss," while *besahwís,* Penobscot for the domestic cat, (*pussoóis* in Maliseet) is only "little pussy." Cats were highly prized by the Indians and this term of endearment would seem to have been learned from English children about the fireside. In all three of these widely separated tribes, cat, horse, ox, cow, pig, sheep, vinegar, salt, molasses, sugar, cheese, potatoes, turnips, cabbages, brandy, cider, money, clock, steel-trap, with such later words as tea, coffee, cars, steamboats, etc., are but disguised English words. Yet "cows' wigwam" for stable, "big cows' wigwam" for barn, "cow's meat" for beef, "little cow's meat" for veal and many others, show how they avoided a new word when they could devise a substitute. With the St. Francis and Maliseet tribes, but not with the Penobscots at present, all Americans are still *Pastoniak,* "Boston folk," and the St. Francis Indians still call our President "the big Boston chief," *Pastoniak'chi-sôgmo.* This is evidence that their first intimate relations with the whites were with the English of Massachusetts Bay.

The date is shown almost to the year by two other words. An Oldtown Indian, asked recently what was their word for "king," responded "*kinzhamus Olamon,*" that is King James the First! Both the other tribes have the same word. A queen today is "King-James-his-squaw," and Queen Victoria's Birthday was known among the St. Francis, as "King-James-his-squaw-her-day." A king at cards, however, is *sôgmô,* that is, chief. King James died in 1625, and this word for "king" could not have been introduced after that date. On the other hand, the Penobscot word *kuose,* and the Maliseet variant *kaoz* (cow), could have been adopted only after the Indians themselves had seen the strange creature. John Winslow introduced the first English cattle in 1624. Therefore, both of these words must have been acquired, the one not earlier, the other not later than dates a year apart. It is more than a matter of curiosity that while the Penobscot has called a cow, "a cow" for almost three centuries, the Micmac still speaks of her by his primitive descriptive word, *wenjooteám,* "the Frenchman's moose."

The indelible impress of the language of their bitter enemy upon the Abenaki tongue is hardly more remarkable than the failure of the French language, which most of them have spoken far better than they could speak English, to make any impression. King James the First is still remembered; none of the Louis of France have left a trace. Very few words and those mostly unimportant have come from the French; such as, *lago* (ragout), *lasob* (la soupe), *labiel* (la biére), and *lamiscad* (la mouscade, nutmeg). *Patlios,* prayers, is the Latin for pater nosters, the paters being the large beads of the rosary. A priest is a "prayer man," a nun is a "prayer lady," but the French tongue has not given them even the name for Sunday; it is not *le Dimanche,* but *Sanda,* or *Sunte*—English again. The conclusion is irresistible that for some decades after the English came the Maine Indians hovered near their settlements.

This brings up the discussion of some tribal names purposely passed by—such as Almouchiquois, Etchemin, Tarratine; to which should be added Penobscot and Pentagöet. Judge Williamson said of the Abenakis and the Etchemins that "the two peoples have been by Historians much confounded." The verdict is too mild. Everybody else has been confounded by the historians and the "two peoples" have been left just where they were, waiting to be untangled. The difficulties of understanding the matter are few, if all the later historians are set aside and the early records are studied without prejudice.

All these peoples lived either within the present Hancock and Washington counties, or upon territory adjacent. And during most of the period since the English came to Massachusetts, the greater part of this region has had few Indian inhabitants or none. No Indian treaties show signers from the Union, Narraguagus and Machias Rivers, and in 1763 Governor Bernard wrote to the Passamaquoddies that "the lands on the East Side of the Penobscot River & about Mount desert . . . have not been inhabited by Indians for many years past." Yet the archaeological remains and the testimony of the early voyagers point to its once being well peopled. The name Almouchiquois was a nickname given to these people by the Micmacs. Father Maurault's derivation from *alemos,* dog, with the meaning "people of the little dogs" is clearly erroneous. There never could have been any little dogs there. Much more likely is it to be connected with *Oulamon,* red paint, and to refer to the use of red ochre by the inhabitants of this section. But the people's name for themselves was Etchemins, or Etechemins. It is essentially the same word as *o-ski-tchin,* or *skejim,* (meaning "we," "the people") which the Passamaquoddies and other Maliseets use today in speaking of themselves. Champlain, in 1604, called the St. Croix the "Riviére des Etchemins." The Etchemins, or Almouchiquois, were the ancesters of the present Passamaquoddies.

It is true that most authors declare this a tribe of very recent origin,

formed about 1750 from other tribes. It was no doubt much augmented then, but its antiquity is proved by the Jesuit Relation of 1677,[7] in which Pessemonquote (Passamaquoddy) is mentioned as a river on which the Indians were settled. In 1694 Villebon wrote that the Maliseets live on the St. John and along the sea-shore, occupying "Pesmonquadis, Majais (Machias), les Monts Déserts and Pentagöet" (Castine).[8] In addition to this a letter, dated Feb. 10, 1638[9] (old style), from Louis XIII to the Sieur D'Aunay de Chantsay, "commandant of the forts of La Heve, Port Royal, Pentagöet and the coasts of the Etchemins," establishing the boundary between D'Aulnay and De la Tour, shows clearly that the Etchemins occupied not only the St. Croix valley, but the whole southeastern coast of Maine, including the eastern coast of Penobscot Bay. After this the identity of the Etchemins with the modern Maliseets and the antiquity of the Passamaquoddy tribe can hardly be denied.

But a new problem comes up as to the identity of the Indians among whom the Baron St. Castin lived so many years. Villebon, the governor of the province, called them Maliseets. They were a considerable tribe, as is shown in the census,[10] taken November, 1780, by Father de la Chasse. He enumerates twenty-six long houses, containing 388 men, women and children, including 126 men and boys able to bear arms. The French "General Memoirs" of 1686,[11] say: "At the river of Pentagouet is the Sieur de Castin, who trades with the savages and with the English; it is a very lovely country, full of harbors, with three good rivers, and there are two very considerable nations in the region which recognize France and are enemies of the English." The two nations are clearly the Etchemins and the ancestors of the present Penobscots. In all likelihood Villebon was correct in calling the Castine Indians Etchemins (that is "Quoddies"), but considering their numbers and isolation for a long time, it is safe to recognize them as Pentagöets. They occupied the region from Castine to Naskeag Point, and perhaps beyond and deserve a sub-tribal status by virtue of their location.

There remain the Tarratines. This word has been much affected by late writers as a superior name for the Penobscot Indians, but like most affectations it is false. The modern Penobscots know no such word and can assign no meaning to it. The Tarratines, or more correctly Tarentines, were Micmacs, and the name is conjectured by Professor William F. Ganong[12] to mean the "traders," being a nickname applied to the Micmacs by the New England Indians. The first mention made of them is in the account of the Sagadahoc colony, in 1607, whose records say that when

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[7]Thwaite's edition, Vol. LX: 262-3.
[8]Murdoch, Nova Scotia, Vol. I: 214.
[9]Misprinted in Baxter Mss., IV: 142, as 1658, or long after the death of Louis XIII.
[10]Now in the Edward E. Ayer Collection, in the Newberry Library, Chicago.
[11]Quoted in Baxter Mss., IV: 424.
[12]In letter to writer.

off Cape La Have, Nova Scotia, they saw Indians. "We take these people to be the *tarentyns.*" In 1614 Captain John Smith interviewed the natives of Camden, who told him that "on the east of it [Penobscot Bay] are the Tarrantines, their mortall enemies, where the French inhabit, as they report, that live with those people as one Nation or Family." This clearly places the home of the Tarentines at that time as not far from Port Royal, Nova Scotia. Further negative evidence is the statement of Governor Bradford regarding the Massachusetts Bay Indians in 1620.[13] He says: "The people were much affraid of the Tarentins, a people to the Eastward which used to come in harvest time and take away their corne, & many times kill their persons." But the Penobscots raised their own corn and did not need to steal it. And at this very time the Penobscots were putting King James the First into their language forever and therefore were friendly with the residents of Massachusetts Bay. Moreover, no one ever gave the Penobscot Indians so black a name as the one history has bestowed upon the Tarentines. "A barbarous and cruell people called the Tarratines," writes Johnson in his "Wonderworking Providence,"[14] reporting what the Bay Indians were saying in 1631, "who said they would eat such Men as they caught alive, tying them to a Tree, and gnawing their flesh peece-meales off their Bones, as also that they were a strong and numerous people, and are now coming, which made them flee to the English."

Thus is explained how English words became fixed in the Abenaki dialects. Further, in upwards of forty thousand pages of treaties, deeds, official correspondence and similar contemporary material the word Tarratine has been found but *once*, and that in the forged deed, dated 1629, purporting to have been given by the Indians of New Hampshire to Rev. John Wheelwright of Exeter. It speaks of the protection afforded by the English against the Tarratines. The clumsy and unlegal way in which this reference is dragged in to bolster up a forged date breeds a strong suspicion that between 1629, the purported date, and 1662, or thereabout, the real date of drawing the deed, the Tarratines, or Tarentines, had ceased to be a menace.

The exact story is recorded in an old contemporary French source.[15] Membertou was the great sagamore of the Micmacs, or Souriquois, and Bessabez, or Bashabes, (usually styled by English writers "the Bashaba," as if his name were a title) was the great chieftain of the Abenakis, then including the Armouchiquois. This is the same chief who in 1604 (not 1605) met Champlain upon the site of Bangor. At that time the Abenakis were supreme and Bashabes was the greatest chief they ever had. But in

[13]In his "History of Plimouth Plantation," (commonly called "The Log of the Mayflower"), Boston, 1901, p. 126.

[14]Edition, Scribners Sons, New York, 1910, p. 78.

[15]La Defaite des sauuages Armouchiquois par le Sagamo Membertou & ses alliez sauuages en la Nouvelle France, au mois de Juillet dernier 1607, etc. (Paris, 1609).

the fall of 1606 some of the Abenakis plundered and killed Panoniac, a Micmac chief. Then Membertou, the Micmac, gathering to his own men the Indians of Gaspé and the Etchemins of southeastern Maine, made war upon Bashabes in July, 1607, and defeated him. They did not kill him, for that same fall Popham's colony report him as alive. The war continued for some years, the Tarentines gaining. The Camden natives told Captain Smith that Mount Battie was "as a fortress to them" and the Megunticook range a barrier against the Tarentines; hence they seem to have occupied temporarily the Etchemins' country and perhaps to have broken into the region across Penobscot Bay. Emboldened by their successes, they invaded Massachusetts Bay, as Winthrop, Bradford and Johnson testify; but the timely coming of the English prevented a permanent conquest. It is a curious coincidence that John Winslow, scouting along the shore of Cape Cod before the Pilgrims landed, should discover the recent "red-paint" burial of a white man and a boy, so similar to the remains of the Red-paint People of Orland, Maine, as to suggest that the man was the white leader of some Tarentine raiding party. This singular interment so impressed Captain John Smith that he copied it in full from Winslow. It is also a coincidence that, although documentary evidence of cannibalism on the New England coast was abundant, the first archaeological proof of it came from the Tarentines' allies' own country. In 1877, on the easterly shore of Great Deer Isle, Mr. Manly Hardy dug from an ancient shellheap the skulls and bones of two Indians who must have been eaten there within historic times.[16] Thus the terrible *Keewahquee* stories of Abenaki mythology did not, as Leland conjectured* come from the Esquimaux and the Norse Eddas; they were grounded on comparatively recent experience.

The Tarentines survived the pestilence of 1617; but after the smallpox of 1631 and 1634, when the Indians "dyed like rotten sheep," we hear no more of them. They probably withdrew to Nova Scotia, and the abandonment of the southeastern coast of Maine was begun at this time and completed after the subjugation of the Pentagöets about a century later. That a part of these at least joined the Penobscots of Oldtown is evidenced by the presence among the Penobscots of descendants of the Baron St. Castin.

The question is raised: Were the Penobscots and the Pentagöets the same or different tribes? Even from an early date the English called them all Penobscots; but the French, following the Indian custom, at least partially distinguished the two chief settlements. Panawamskek, "the rocky part," was the name of the river between Bangor and Oldtown; below Bangor it was Pemtegwi, or Pentagöet, "the main river," "the wide part." Just as the Maine Indians nicknamed the Micmacs "Tarentines," or "traders," and the Micmacs returned the compliment by calling the Etche-

[16] 11th Report Peabody Museum, Cambridge, Vol. II, No. 2, p. 197.
*C. G. Leland, "Algonquin Legends of New England," Boston, 1884.

mins "Maliseets," "or broken talkers," so Penobscots and Pentagoets could hardly have been their own names for themselves, but rather neighbors' designations. It is impossible to tell whether the Indians whom Champlain met at Bangor were Etchemins or true Abenakis; but in the name Kadesquit, which he records, is evidence that at some period the Etchemins occupied the upper Penobscot. Its traditional meaning is "eel-catching place." Now the pure Abenaki word for an eel is *nahurmo,* which we find in Nahumkeag stream, in Pittston, on the Kennebec. But Kenduskeag, the Kadesquit of Champlain, is a slightly corrupted form of Kodeskek, and this is from the Maliseet root, *kat,* an eel. "It seems as if the Quoddies must have named it," said an intelligent Penobscot Indian. The map drawn for Governor Shirley, in 1749, by Charles Morris,[17] bears a legend across Hancock and Washington counties, "In this part of the Country East of the Penobscot River live the Indians of that name." This would make the Penobscots previous to 1750 true Etchemins, the same as the Pentagöets. The final breaking up of the Norridgwocks at about this time brought many of them to the eastward, even as far as the Passamaquoddies, and it is a question how much they may have influenced the language of the present Penobscots, which is very different from that of the Maliseets. We know that Champlain met Bashabes at Bangor; we know that Bashabes had jurisdiction all over eastern Maine, though his own home was among the Wawennocks, in Knox or Lincoln counties; we know that the story of a revolt among his own people, borne out by the French account of the defection of the Etchemins to the Micmacs, swept from him the rule over southeastern Maine; but we do not know whether his own people, the Wawennocks, had established themselves upon the upper Penobscot during his day, or before it, though the evidence of the place-names would seem to indicate it. At least Wawennock, or in better form, Wannoak, which an old Penobscot chief told Judge Williamson meant "very brave," "fearing nothing," would seem to have been a boast coeval with Etchemin ("we," "the people"), indicating a tribe much stronger than that of the Wawennocks known to history, and it may have been the aboriginal name of all the Abenakis of central Maine. These changes in the tribes are of much less consequence than is usually supposed. Possessing nothing of permanence, it was easy for them to pack their few possessions in their canoes and to migrate. They did it constantly. Great as have been the historic changes of the Maine tribes they were less than those that have no record. After three centuries of contact with the whites, the Penobscots still occupy their ancestral homes and still bury their dead among their forefathers; nor can it be said of them that since they first had near white neighbors they have ever been

[17]The original in the New York City Library, reprint in Lincoln's Correspondence of William Shirley, Macmillan, 1912.

treacherous or unfriendly, nor in a century and half has their loyalty to the Americans ever been open to question.

Most written Indian history is a record of their wars with white men. Important for the white man to remember, from the Maine Indian's point of view this is but a secondary matter—minor atrocities, the murder of a few farmers, the burning of a few weak and scattered hamlets. It was done, when it was done, with accomplished savagery; yet, unless they had personal grudges, the Maine Indians felt little enmity toward the English. As Captain Job, one of their chiefs, said in council, when asked whether the Indians would prefer to have English or Irish settlers placed upon their lands, "We Sayd English for tho we sometimes fall out as boys do at play, yet afterwards we were reconciled & got friends again, but as to foreign men we were not acquainted with their manners and did not know their customs."

The Indian wars of New England were the sparks from European flames. Peace in Europe, Indian wars ceased here; war over there, there was war here also. French gentlemen or their half-breed sons led the great attacks upon the English settlers; French priests, under orders, stirred up the Indians and joined in the battle, as Father Lauverjat did at Fort St. George. On the other hand the English, profiting by the Mohawks' hatred of the French, incurred by Champlain's fighting them, employed the Mohawks to fight the Eastern Indians. And the Mohawks were loyal to England longer than the colonists were, who reaped the whirlwind during the Revolution. Back of race and religion was politics, the conquest of an empire. A scorching letter from Governor Shute to Governor Vaudreuil, dated April 22, 1722, says that if France has any claim upon the Norridgwock Indians, she is welcome to take them all to Canada, and as he does not concern himself about the tribes in Canada, so they should let his in Maine alone. "I shall be glad if by his preaching he [Father Râle][18] has brought those poor Salvages anything nearer to the Kingdom of Heaven, than they were before he went thither; But that which I have to say to him and to you upon this account is, That Norridgwock the seat of his Mission, is within the Territories of his Majesty King George, and that it is contrary to an act of Parliament of Great Britain for a Jesuit or Romanish priest to Preach or even to reside in any part of the British Dominions." When, three years later, Father Râle was killed in the surprise attack upon Norridgwock, France lost her ablest political agent in Maine, but the Church did not acquire a martyr. He was a foreign agent upon British territory in defiance of the law.

That the objection to Romanists was less religious than political is clearly shown by the narration of Father Victor Drüillettes, the Jesuit,

[18] Of the many forms of this word, Rasles and the equivalent Râle, are the best. Though they are pronounced alike Râle has the advantage of an obvious pronunciation. Ralle is often used. Ralé, though found in some contemporary English documents, is not French in form nor desirable to perpetuate.

first missionary to the Kennebec Indians. In 1650 this devoted priest and good man went to Boston for a long visit. Though Puritanism was never so rigid as then, he himself says that he was not only hospitably received by such leading Puritans as Major-General Gibbons, Governor Dudley, and Deputy Governor John Endicott as well as by the Pilgrim governor, William Bradford, but in the house of Gibbons himself he was given the privilege of conducting his devotions behind a locked door—that is, in entire privacy; while John Eliot, the Apostle to the Indians, not only welcomed him to his home but intreated him to spend the entire winter in Roxbury. Yet this kind reception had its political aspect. Father Drüillettes was a political envoy to New England to arrange with the English means of warding off the onslaughts of the Mohawks upon the Saco and Kennebec Indians, who were then friendly to both nations.[19]

The Indian wars in Maine may be briefly summarized, as:—

1. King Phillip's war, 1675, with outbreaks at Saco, Portland, Wells and South Berwick, upon defenceless settlers.
2. Gov. Phipps's and Lieut.-Gov. Stoughton's war, 1688 to 1690, with raids upon Pemequid, North Yarmouth, Berwick and Dover, N. H., the English now having defensive works, forts and block houses to some extent.
3. Gov. Dudley's war, 1703 to 1713; with attacks upon Wells, Cape Porpoise, Scarborough, Portland, etc.; but the English now beginning to learn how to hunt the Indian.
4. Gov. Shute's and Lieut.-Gov. Dummer's war, July 25, 1722, to Dec. 15, 1725. This time, though Brunswick was burned and Arrowsic attacked, the English drove so far and so hard into the forest that, what with their losses in battle and their dread of the scalp bounty, the Indians delayed long before renewing their wars.
5. Gov. Shirley's war, 1744 to 1749; many places attacked and the troubles not entirely ended until Braddock's defeat, or later, but the Indians finally subdued.

The details of these bloody raids upon the English settlers can be found in all histories of New England. But one aspect of them which is insufficiently familiar is the warfare waged upon English fishing vessels during Dummer's war. In this the Maliseets and the Micmacs, bold seafarers both, joined the tribes to the westward, so that all along the eastern coast of Maine there was great danger to all small vessels. Lying in their canoes in some concealed place, the Indians would suddenly put out, shoot the helmsman of the unsuspicious boat, and as the vessel fell off, would board her and kill or imprison the crew. Then after stripping her, she would be taken away to some sequestered place and burned. Many were thus destroyed, "leaving no trace," in Fox Island Thoroughfare and Egge-

[19]See, Letter from the Council of Lubeck to the Commissioners of New England, 1651. (Baxter Mss.: IV, 433-436) "Et pour les desseins de cette guerre contre ces Iroquois qui douent etre nos ennemis; Outre le Sr. Drüillettes qui cet hiver a deja commencé de negocier pour cette affaire."

moggin Reach. The Punch Bowl at Sedgwick was a favorite place for this work, partly because it was secluded, partly because it was near the short carry to their village on Walker's Pond. Father Lauverjat, staying with the Pentagöets, writes thus to Father Râle at Norridgwock, under the date of July, 1724:—

"My Reverend Father: P. C. [Peace of Christ]. Sixteen Englishmen were killed whilst Joseph was gone to you. Two boats were burnt and forty seven in all were killed and taken prisoners, with eleven sloops, as we commonly say, 'sword in hand,' and that after an obstinate fight on each side, all of which will contribute to our gallantry and will increase our village if it be well preserved.

"In spite of all the Indians can say, all the glory is owing to Saguarreb."

And a letter which Father Râle left unfinished at his death, dated August 23, 1724, says that Father Lauverjat had sent him eight codfish, but the bearers had eaten half of them, "though their village was full of cod taken out of the fifteen or sixteen vessels which they had just taken. They have newly taken three vessels and killed ten men, some on the spot, because they revolted from those who had spared their lives."

A rare contemporary broadside tells at great length the first outrage of this sort, which was one of the causes of Dummer's war. Lieutenant Jacob Tilton, of Ipswich, and his brother Daniel, with a boy, were on a fishing schooner anchored in Fox Island Thoroughfare, June 14, 1722, when they were boarded by six Penobscot Indians, including the governor and two chiefs, supposed to be friendly. The verses begin:

"Down at an eastward harbour call'd Fox Bay,
They in a schooner at an anchor lay,
It was upon the fourteenth day of June;
Six great stout Indians in an afternoon
In two *Canoes* on board the schooner came.
With painted faces in a churlish frame;
One of them call'd *Penobscot* Governour
The other Captain *Sam* a surly cur."

The ballad gives in great detail the conversation upon both sides:

"'Penobscot Indian Governor great man,
All one Governour Shute,' says Captain Sam.

Tilton: "'Great while since we from Boston hither came,
We poor fishermen, are not to blame.'

Indian: "'Your Boston Governour no good me see,
Our Governour much better man than he.'
"'The Cannibals thus in their Indian pride,
The best of Governour's scorn and deride."

The Tiltons are overcome and bound, but manage to free themselves. They attack the four Indians on board the vessel and after a desperate fight kill three, including the governor and Sam and throw the fourth overboard, the two left in the canoes having taken to flight. Though severely wounded the Tiltons cut their cable, hoist their sail and work the schooner

out through the thoroughfare before several more canoe-loads of Indians can overtake them.

These Indians were no doubt Pentagöets. The word "Cannibal" flung at them several times in the ballad, is probably a mere rhetorical echo of the old Tarentine tales. The village where most of these vessel-looting Indians lived was at the outlet of Walker's Pond in Brooksville, on the *Minnewokun,* or inland water-way from Bagaduce River to the Reach. Entirely hidden, with an exit in each direction and a carry of less than half a mile to take them out to salt water, they had every advantage of the fishermen. An expedition was sent after them. They were taken by surprize and a hot fight ensued in which the Indians were defeated. Fifty years ago men were living who had cut out of the trees at the foot of the pond bullets fired in this fight. With this village destroyed, the raids on fishermen broken up, the towns on the upper Penobscot burned, Norridgwock taken with much slaughter, and the fighting Pigwackets of Fryeburg thoroughly whipped at Lovewell's Pond, with rangers everywhere and a high bounty fixed on their own scalps, the Maine Indians at last understood that the English were to be feared. No longer were they to be hunted like rabbits at the behest of the French; they were to be dreaded like wolves.

Yet the Maine Indians never feared the English as they did the Mohawks, or Iroquois. From Caughnawaga, near Montreal, and even from New York State, coming through the woods, bent upon conquest, they descended all the rivers from the Merrimack to the mouth of Saint Lawrence in more than a century of conflict. The Mohawk warcloud had long been gathering in the west. Father Drüillettes' mission to Boston showed that before 1650 the Maine Indians regarded the Mohawks as intolerable. And King Philip's war, whatever its more immediate causes, was the effort of a shrewd leader to crush the lesser menace of the ever-increasing English settlers, before he turned for the death-grapple with the Mohawks, which he knew must come. By 1680 the Mohawks had driven out of Maine a considerable part of the native Indians, and the Maine woods are full of the unmarked battle-grounds of these two blood enemies, a warfare which did not cease until the supremacy of the Mohawks over all the eastern tribes had been acknowledged.

There is a sentimental tendency to bewail the hard fate of the Indian and to blame the English for exterminating his race. But the Maine Indians never were "exterminated" save in the rare literal sense of being driven beyond their own boundaries. Their worst foes were not the English, but men of their own race. That the English protected them from the Tarentines their own language bears witness to this day. From the Mohawks, approaching by secret woods routes from the rear, nothing could have preserved them. The English did encourage the Mohawks; but, on the other hand, the Abenakis were allies of the French, England's enemies, and when the French were beaten, they had to take French fare. Private

aggressions there were, public wrongs, pious frauds, not creditable to the English; but, unprompted by the French, the Indians would not long have weighed these against the advantages of English protection against their hereditary foes and of trading at the English truck-houses. To people who had known only stone knives and axes, bone needles and fish-hooks and birch-bark kettles, anything would have been preferable to the loss of the iron and copper kettles, the guns and ammunition, the steel needles and knives, the broadcloth and ribbons, beads and trinkets, duffels from Antwerp and penistone from Yorkshire, for which they could exchange their peltry. As late as 1700 the Penobscots were going with their furs all the way to Casco Bay to purchase the goods they wanted. They asked for a trading House at New Harbor, because the Kennebec Indians who lived nearer Casco Bay got the best of every consignment before they arrived "And we Desier what Goods is sent to us Lett them be very Good of their Soarts." Trade alone would have kept the Maine Indians friendly had not the French worked among them with imperial designs.

The daily life of the Maine Indian can be appreciated by all who have followed the water-ways of the Maine woods hunting and fishing. The quest for the day's food, the sport of running rapids, the toil of poling up against the current, the fatigue of the carries, the camp-fire at night, the hearty evening meal and sleep upon beds of fir boughs savage and tourist share in common in the timeless region of the woods. But the Indian was always the busier man. The "lazy Indian" is a figment of the white man's prejudice. Merely to exist, finding himself in food, clothing, shelter, weapons and fire, in a climate as stern as this, required constant application. What a labor it must have been to construct a good birch canoe with nothing but stone tools! What a task, among the great trees of the forest, when a stone axe was the only implement, to supply the firewood for even the little Indian fire, to get ash for basket-stuff, to rift maple for paddles, to replace the breakage of spears and lances, bows and arrows, with heads of stone or bone and shafts that had to be true and shapely! Yet the work was done in a way to excite admiration. No doubt after the time when a few skins would buy the implements he needed, the work of the Indian man fell away, while that of his wife did not; but in the beginning the division of labor was a fair one. Those who did not work in summer could not eat in winter. When the ice broke up there was the spring hunt of beaver and muskrat. Then the fish came up the rivers in millions, and at the foot of every fall men, women and children scooped alewives and shad; or they caught them in rude weirs. Salmon must be speared when they began to run up stream, and sturgeon must be taken, and all these fish must be smoked and dried for winter use. Then they must plant their fields of corn, beans and pumpkins, together in little hills, with an alewife for fertilizer, as they taught the English colonists. When midsummer flies and mosquitoes made the woods unendurable, they all went to the seashore.

There in great clambakes they steamed clams, oysters and lobsters and dried them for winter use, packing them away in birch-bark boxes. There they gathered acorns and ground them into meal, or, as Josselyn tells us, extracted oil from them. They got feathers from the sea-birds nesting on the islets. They hunted seal and porpoises and tried out the oil, storing it in seals' "pokes," for lack of jars. They even hunted whales. Both Josselyn and Rosier tell of the boldness with which they pursued and captured whales, fastening to them, in their frail canoes, with harpoons made of bone and lines made of bark. Berries they picked and dried for winter use. They dug the roots of the ground nut and of the yellow meadow lily. When the eels came down stream in the fall they caught them in weirs and dried them in great quantities. Then came the harvest and the fall fur-hunt and all through the winter they worked upon garments, weapons and ornaments, the making of wampum and baskets, the getting out of basket-stuff and birch-bark, the hunting of large game for fresh meat. By night the wolves howled round their wigwams and on stormy days of winter in their communal long houses, such as Williamson describes, or in their small conical camps of spruce bark, they watched the kettle. The feast preparing might be dried clams or oysters, boiled in water, well seasoned with bear or seal oil, with pounded acorns added to give it a good flavor. The kettle itself would be of birch-bark—Joseph Necolar says so—their pottery being too frail and porous for cookery. A great turtle shell or a wooden bowl would be the serving dish. Thus they feasted.

The Abenakis were not weavers. When the white man came, he found them dressed in skins, though John Josselyn says that they sometimes wove for their little children curious coats out of the feathers of the wild turkey, which at that time was found along the Maine coast. Josselyn describes the dress of the women in the middle of the seventeenth century, when cloth had largely replaced the earlier skin garments,—"a pair of sleeves of deer, or moose skin drest, and drawn with lines of several colours into Asiatick works, with buskins of the same, a short mantle of trading cloth, either blew or red, fastened with a knot under the chin, and girt about the middle with a zone, wrought with white and blew beads into pretty works; of these they have bracelets for their necks and arms, and links to hang in their ears, and a fair table curiously made up with beads likewise, to wear before their breast; their hair they comb backward, and tye it up short with a border about two handfulls broad, wrought in works as the other with their beads."

Until the middle of the last century the dress of the women remained much the same. It was made of either red or blue broadcloth, called "annuity cloth," trimmed with ribbon bands of contrasting color—moccasins, loose leggings, short skirt, and a short jacket. In winter a grey blanket and peaked squaw's cap, or hood, was worn. But the beaded

ornaments were replaced by costly silver adornments, chased and pierced, and worn as brooches, hair ornaments, bracelets and hatbands. A man's tall silk hat with a broad silver hat band was worn by some Indian women until after the Civil War. Most of the silver dollars they received were made over by white silversmiths into bands and brooches, which often were eight or ten inches in diameter. Until the same period the principal garment of the older men was a long frock coat, belted at the waist, often with no shirt beneath even in the coldest weather. Instead of trousers they wore leggings to the knee, held up by straps attached to the waist-band of a breech-cloth. An invariable part of a man's costume was his *pitsonungan,* or wallet. This was the skin of a mink, sable, or woodchuck, skinned through a slit in the back of the neck, with the skull left in. Tanning made it pliable and preserved it. When slipped under the belt this made a double-ended bag in which were carried pipe, tobacco, flint, steel and money. Until long after the white settlers came to the Penobscot the Abenaki men shaved their heads, excepting a scalp lock tied close to the crown. The men often wore a blanket in winter, but rarely any head covering. When Chief Orono went to Boston, during the Revolution, he and each of his companions was presented with a complete suit, consisting as the official records show, of a laced hat, probably tricorne, a ruffled shirt, a blue broadcloth blanket, a medal to be worn on a ribbon, and a pair of shoes with bright buckles, a costume quite impossible of dignified representation in a pageant.

Of all untutored peoples the Indians were naturally the most religious. The Abenakis, already prepared by their "spiritual men," or powwows, were open to receive religious teaching and readily comprehended what was taught them. There are few prettier pictures than that painted by Father Drüillettes of the eagerness with which the Kennebec Indians received his instructions, the children teaching their elders, who were slower to understand, and sitting up all night by the campfire, marking on birch-bark, with bits of coal, symbols by which they could more easily memorize what had been taught them. One old man, says the Father, became "un veritable saint." Before they received any instruction they had a belief in a superior and beneficent Great Spirit, in a hereafter and in moral law. They had their demi-god, the first created man, called Glusgahbeh by the Penobscots, Kuloskap by the Maliseets and Glooscap by the Micmacs, who, like Hiawatha, came on earth to teach them. And they believed in innumerable beings, giants and fairies, spirits and monsters, of earth, air and water, mostly malignant, among whom they moved in peril. Although the early voyagers testify rather unanimously to their belief in a Devil, they had no notion of the Puritan Satan until later years. The word applied to this concept, *Marjeehóndu,* or *Mahdahántu,* was at first only their name for their personal amulets, the counterparts of the western Indian's "medicine bag," just as their *M'deoulínuk,* or powwows, were the same as the western "medicine men." The word "medicine" itself was never used in this sense by the eastern Indians.

INDIAN WOMEN MAKING BASKETS
(Indan Island, Old Town, Me.)

There was a clan, or totem, system among the Abenakis, now so broken down that it is hard to make out. The Quoddies have kept more of it than the Penobscots. The Bear clan is well defined and the largest. It is found among the Penobscots, the Quoddies and the St. John Maliseets. They claim to have originated from a lost child who was adopted by a mother bear. All the Mitchells, for example, are *Wassoosak,* Bears, though not the only Bears. There was a Sturgeon gens, a Beaver gens, a Wolverine gens, and a Hummingbird gens, which, by a Quoddy legend, gave rise to two bastard gentes, the Dogs and the Pigs. Probably the Raccoons were also a gens. In the absence of surnames, except among those descended from the French, they were able to trace their family lines by this adoption of animals for the family symbol. For instance, Joseph Polis, who was Thoreau's guide, drew a bear in a canoe to represent himself and wrote beneath, *Sosep nia,* "Joseph all alone." He himself was never called "Bear," but his father, Polis Wassoos, was clearly of that gens. But not all animal graphs were totems. Old Governor John Neptune's sign manual was a snake. It stood for personal prowess; but had the old clan system endured it would probably have become the totem of some of his descendants. Usually the names of animals borne by Abenakis have been nicknames. Soccabesin Eagle was a Neptune; Sebattis Lobster was a Mitchell, and so on. Abenaki signatures also have been largely arbitrary. In 1643 and 1650 Sagamore Rowls of Newichwannock (South Berwick) signed two deeds. One sign manual is a standing figure with the body and feet of a man, the paws of a bear and the head of an ox. The other is a bow and arrow, followed by a scrawl. The forged Wheelwright deed gives him still a third signature, the figure of an Indian, known as such by its having no hat.

The Abenaki government was by chiefs of three grades, the first and second sagamores and the inferior chiefs, of whom there was one for every village or gens, it is not clear which. Very early these were styled Governor, Lieutenant-Governor and Captains, with rarely a Colonel or an Esquire. It has often been stated that the highest chief was the sagamore, the second the sachem, but the distinction is fanciful. *Sôgmo,* sagamore, was, and is, the pure Abenaki and *sakum,* or sachem, the Maliseet word for chief.[20] A chief might be a warrior, or he might not be; he might be *m'deoulin,* that is, possessed of supernatural power, or he might not have it; he usually had one qualification, or both. The office was for life, and when possible, hereditary; but just how the succession was managed living Abenakis can not tell. It seems at first to have followed female lines of descent; later, with the access of French blood, the male lines. For example Madocka-

[20]Capt. Mansell said he never heard the word "sachem" used by the Penobscots. Rev. Elijah Kellogg's list of Passamaquoddy words, dated 1828, gives sockum (sachem) only. (Mass. Hist. Colls., 3rd series, III: 181) Early documents sometimes speak of the same man as "chief sachem and sagamore," as if the words were dialectical synonyms.

wando was succeeded by his cousin, and neither of his grandsons, Castine's acknowledged sons, acted as chiefs in council,[21] though Father Lauverjat said they held French commissions as officers. But by the name of Attien, there were three, and perhaps four, sagamores reputed to be lineal descendants of Baron Castine. The Attien line would seem to trace to one of Castine's daughters.

The succession of Penobscot chieftans has not been made out with accuracy. After Bashabes the first we hear of is Madockawando (or Mahtahquanto) between 1669 and October, 1698. He came to Castine at the time the French occupied it. He is said to have been the adopted son of that Essemonosque, Kennebec sagamore, who signed deeds in 1653. In 1694, Madockawando gave two deeds of land on George's River, one of them jointly with Egeremet of Kennebec. Later these came into dispute. Other Indians declared that Madockawando had no right to this land. "Was Madockawando an Indian of St. George's or Penobscott?" asked Governor Belcher, in 1736. And Captain Job of the Penobscots replied: "Of neither, the nearest he was to us was Machias or St. John's." From which it would appear that he was an Etchemin by race, if a Kennebec by adoption, and that the Pentagöets, over whom he ruled, were Etchemins also. Pasquine, in 1688, wrote of him that he was "a brave and upright man, and an acute and subtle understanding."

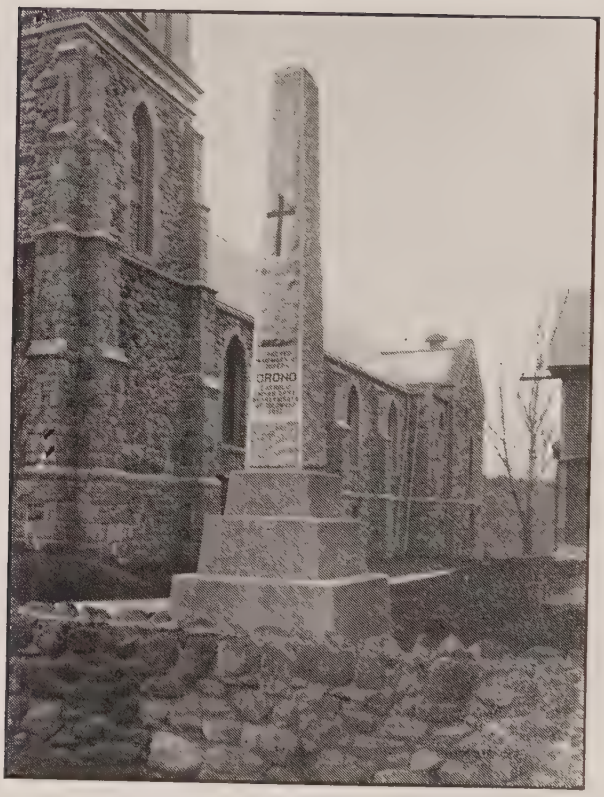
The next chief, Wenonganet, spelled in many ways, first appears in treaties and councils in 1701 and last in 1727.

Loron, Lolon, Lolaw, or Lola, the Indian form of Laurent, or Lawrence, followed. He is often called Lolon Saguarrab, or merely Saguarrab. He is the man whom Father Lauverjat praised so highly for attacking the English fishing vessels. Official papers show him to have been a great warrior, a greater diplomat, and an executive of ability. He had tireless energy. In council he once said that that summer he had been from Penobscot to Boston, thence home and up to Quebec, from Quebec back to Penobscot again and so to Boston, having had but three days in the whole summer with his family. He appears as late as 1751 and may be the Lowring mentioned in 1760. In 1757 two sons of his died of smallpox and it is not certain whether he left descendants, though the name Lola, now Englished as Loring, still exists. Loron's sign manual was a beaver, perhaps his totem, perhaps a compliment to his industry and sagacity.

About 1749 appears Ossung, Oosunk, Assung, Ausing, etc. The name is the Indianized form of John, Azô or Uzzáh, still found in the name of Orson. He, or one of the same name, figures in a treaty as late as 1796.

At about the same time as Ossung appears a Neptune, who may or may not be the Colonel John Neptune who signed with Ossung in 1796; but Colonel John Neptune is almost assuredly the father of Lieutenant-Governor John Neptune, born July 27, 1767, died May 8, 1865, for fifty

[21] Though Anselm attended the Arrowsic conference, 1721.



JOSEPH ORONO MONUMENT, AT ORONO

years the Lieutenant-Governor of the Penobscots. His portrait hangs in the Tarratine Club, Bangor. Neptunes are found early and in numbers in both Penobscot and Passamaquoddy tribes. The name is never subject to any variation except Nepten and its meaning is wholly obscure. As a family the Neptunes were accredited with supernatural powers.

The Aitteons, Attians, or Atteans, as now written, are reputed to be direct descendants of the Baron St. Castin. It is the French Etienne, Stephen. The first one appears under the old French form Estien at the Portsmouth Conference of 1714, and Acteon (as printed in Baxter manuscripts) who signed the Georgetown Conference of 1720 is undoubtedly the same man. Individuals cannot be traced until we reach Governor John Attian, "son of Attian," born 1778, died May 14, 1858, Governor of the Penobscots for forty years. His son, Governor Joseph Attean (Dec. 25, 1829, to July 4, 1870), the Old Party Governor for seven years, was drowned at Grand Falls, near Millinocket, trying to save his boat's crew.

No Maine Indian has attracted so much attention as Joseph Orono, "the blue-eyed chief," and no one is harder to learn anything about. He appears suddenly, without antecedents, and, already an old man, assumes the leadership of the tribe through the most critical period of its history. Mystery surrounded him even in his own lifetime and his light hair and blue eyes gave rise to stories[22] of his being a white child stolen by the Indians. General Knox, after seeing him in 1784, wrote that he was "an old man, half Indian and half French, of the Castine breed." Orono himself told Captain Joseph Mansell that "his father was a Frenchman and his mother half French and half Indian." This necessitates his being the son of one of Baron St. Castin's daughters. But as Castin did not marry until 1688,[23] either Orono was illegitimately descended from the Baron or he was much younger than all reports say. At his death, Feb. 5, 1801, it was claimed that he was from 110 to 113 years old. Indians are notorious for over-estimating ages, and in the absence of any baptismal record, Orono's age was probably over-rated. Otherwise a woman who was not born until he was either eighty-five or eighty-eight years old, could hardly have remembered him as "tall, straight, well-built and fine-looking"; nor would he have been likely to have done all his important life-work after he was eighty-four years old. But even subtracting fifteen or twenty years from his age would not identify him as the grandson of St. Castin's legal wife.

The name Orono is not Indian, but French, say the Penobscots. The only Indian name they know for the great chief is his nickname *K'toolaqu'*,

[22] Ably refuted by Rev. John M. Harrington in Sprague's "Journal of Maine History," Vol. V, No. 1, 1917.

[23] Letter of Sieur de Menneval, Governor of Acadia, Sept. 10, 1688: "I have induced the Sieur de St. Castin to live a more regular life. He has quitted his traffic with the English, his debauchery with the savages; he is married and has promised me to labor to make a settlement in this country." The census of 1693 gives his age as 57 years; with a wife and one child.

or *Toluc,* which they say means "a big ship with guns." His descendants to this day are called the *K'toolaqu'ooseesuk.* The origin of this nickname, which the Indians themselves cannot explain, probably lay in Orono's visit, in 1782, to the French frigates lying at Newport, R. I. No doubt after his return he talked much of the big ships with guns. He was sometimes called Sosep Toluk, sometimes Sosep Bulahmoos, or Pulmus, and he may be the Umbarius of Baxter MSS. XXIV: 24, 25; as he is surely the J. Horns of Baxter XX: 81; but he is not the Captain Jo Ouwoorana of Baxter XXIII: 94. The English name of the old chief's lineal male descendants is Lewis, but the university town of the State perpetuates the sonorous Orono and the pious veneration of the Knights of Columbus has erected a dignified monument to keep his memory green. Nor will the services of Joseph Orono ever be overvalued. Next to Colonel John Allan of Machias, he was the means of saving Maine to the Union.

From the first Orono was a friend to the Americans. He was in Boston in April, 1775, consulting General Warren about the Abenakis giving aid. Two days after the battle of Bunker Hill, while the body of Warren lay still unburied, he was in Boston again. And in 1778, in 1780 and in 1782 we find him there. One of the most dramatic incidents in Maine history was enacted just below the Red Bridge (so-called) on the Penjejawock in Bangor, April 30, 1779, when Orono and his second chief, Colonel John Neptune, came together to Preble's truck house. (Bits of the brick of the old truck-house chimney may be dug out of the side of the railroad embankment there to this day.) They brought wampum—strings and a war belt. Neptune read it; no doubt he was the one to whom the messengers came in Oldtown, and he had come down to Orono's camp on the flat shore a little above the truck-house. And hearing the message, John Preble wrote with all haste to Colonel John Allan:

"Then John Nepten Presents three small Strings Wampum and says (holding the first String) These are sent our Tribe from Canada by Two young men about three weeks ago.

"1st String, we send this to open your Eyes

"2nd String, That you may see a great way

"3rd String, That your Ears may be opened to hear. . . . Then presenting a Large Belt of Wampum, 1500 White; said this Likewise was sent us from Canada with this Message.

"Brothers Don't have any Connections with the Americans. Remove yourselves off from them and not keep with them. . . . The Indians are coming a Cross the Woods as soon as the leaves are as big as our Nails, and are Determin'd to Destroy the White People, 300 [Indians] on the River Penobscott, 300 upon the Norridgwock River and 300 upon Cohos. . . . Brothers, there is now at & near Canada 9000 Indians ready to execute any orders they may receive from the British General in Canada. . . ."

Coming in from sea, days after the message had been sent post haste to him, the stout heart of John Allan for once failed him. Already the leaves were growing.

"I did not intend to have wrote," he says. . . . "But certain it is that the Messenger has been here, with the Belt and strings of Wampum and the whole of the Indians are in a flutter and the distress of the unhappy Inhabitants is deplorable.

"I find myself surrounded on every Quarter. . . . Cruizers on the coast, the Enemy posted . . . & the Indians & Torys (the same as Butler at Susquahanah) on our Backs. . . .

"It may be rely'd on that without the Interposition of Providence that this Country will fall a pray as at Susquahannah. . . . ."

We have forgotten the massacres of the Valley of the Wyoming. They were fresh to Patriot John Allan, who knew the fears of the already subjugated Abenakis and the small chance that they would dare refuse to do the behest of the Mohawks. But Chief Orono and Chief Neptune, who had seen the Mohawks come even to Oldtown and fight there, stood firm. Deliberately they cast in the lot of their people with that of the weak American settlers, deliberately they made public that secret message never intended for American ears and became themselves the Interposition of Providence which Patriot John Allan so devoutly prayed for.

At this time Orono was probably living in the little village on the river bank half a mile or so above the truck house. He had had trouble with the tribe and with about thirty followers he withdrew to Fort Halifax on the Kennebec, where he stayed some years. Tribal traditions say that on his return to the Penobscot he still lived apart and it is certain that he died not far from the truck house. The place of his burial is unknown, but tradition says that it was upon the farm of the old Jameson place in Stillwater.

About the middle of the eighteenth century the form of government of the Penobscot tribe changed. As the result of a quarrel between the two chiefs, the tribe split into the Old Party and the New Party, each electing its governor and lieutenant-governor. Finally strife ran so high that by the so-called "Special Law" of the State, the parties alternated, each one having yearly elections entirely limited to its own candidates. Since the Civil War this custom has prevailed, the only change being from annual to biennial elections. Among the Passamaquoddies the change came later, after the death of their venerable Chief John Francis, about 1876. At present their elections are held every four years. Each tribe has the privilege of sending a representative to the Legislature to look after its affairs. Each also elects its own policeman, has its churches, convents, resident Sisters of Mercy, and schools. The charges are largely paid by the State from a special fund.

The friendship of the Penobscots was recognized by the Commonwealth of Massachusetts, beginning with the treaty of 1786, which confirmed certain lands to them, with liberal gifts. These lands, and more not included in that treaty, were afterwards bought by Massachusetts in the treaties of 1796 and 1818, and by Maine, in 1820, on terms which assured each Indian

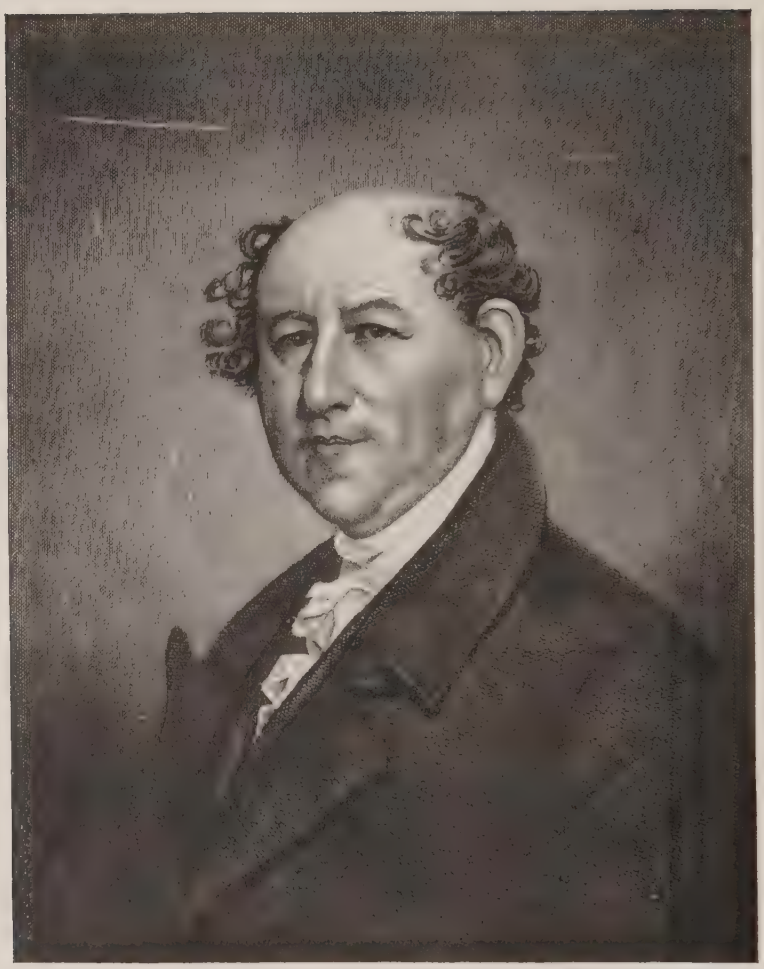
annual "dividends" of corn, pork, molasses, broadcloth, powder, shot, blankets, tobacco and necessary supplies. At present, instead of the actual issue of goods, a certain sum of money is allowed each individual, which he usually takes up at the agency store. The last four townships belonging to the tribe were sold in 1833, and the interest is paid over annually for the use of the tribe. In addition to these two funds the Penobscot tribe receives an annual rental from the boom corporations for the use of the Indian shores of the islands in the river above Oldtown. The Penobscots own all the islands above the city of Oldtown, 146 in number, aggregating almost 4,500 acres. While most of the tribe live upon Oldtown Island, there are groups all the way up to Lincoln. At Point Pleasant, nine miles from Eastport, and at Peter Dana's Point, at Princeton, live the Passamaquoddy Indians. The two tribes have intercourse and amicable relations and live under much the same conditions; together they aggregate about a thousand souls, which, compared with the agent's rosters of a century ago, shows a marked increase. Though not citizens they are all law-abiding and peaceable and those who know them intimately hold them in esteem.

[Note.—Mrs. Eckstorm gratefully acknowledges the kindness of Prof. Taury in advice and criticism.]

Chapter IV

FEDERALISTS AND DEMOCRATS

WAR OF 1812



RUFUS KING

CHAPTER IV

FEDERALISTS AND DEMOCRATS—WAR OF 1812

During the Revolution, Massachusetts was concerned not only with the winning of independence, but with the creation of a permanent government. The Provincial Congress, formed when Governor Gage refused to call a session of the General Court, was a purely revolutionary body. In the summer of 1775, acting on the advice of the Continental Congress, Massachusetts established a government as nearly as possible like that prescribed by the provincial charter of 1691. The offices of Governor and Lieutenant-Governor were treated as vacant, and the executive power, as the charter provided in such a case, was vested in the Council. It was felt, however, that the arrangement was only temporary, and in 1780 a special convention authorized to act by a vote of more than two-thirds of the Massachusetts towns submitted a constitution which the people accepted. It provided for a Governor, Lieutenant-Governor, Council and two-chamber Legislature. The representatives were to be chosen by the towns, each town then incorporated having a perpetual right to send one at least. The senators were to be elected by the counties; the number chosen by each county depending not on its population but on the proportion of the public taxes that it paid.

In 1778 the Continental Congress had divided the country into admiralty districts. In Massachusetts there were three—a southern, a middle and a northern. The northern district consisted of the three Maine counties, and Maine was commonly called the District of Maine, or, more briefly, the District, until its separation from Massachusetts forty years later.

In 1788 Maine was invited to express, indirectly, her views on the adoption of a Federal Constitution. In the General Convention at Philadelphia, which drew up the constitution, Maine was not represented, the four delegates from Massachusetts being all from Massachusetts proper. The ablest of them, however, Rufus King, was a native of Maine.

Farrand in his work, "The Framing of the Constitution,"[1] places King among the dozen members of the convention who exerted the most influence. He says of him: "Rufus King, somewhat over medium height, was an unusually handsome man and with great personal charm. Of marked ability, and an eloquent speaker, with a sweet clear voice, it is no wonder that . . . he should be regarded as one of the coming men of the new nation. He had been opposed to any radical reform of the confederation, but convinced of his error he joined heartily in the work of the convention and as might be supposed, his support was as heartily welcomed." His most distinctive work appears to have been in securing the adoption of the clause forbidding a State to pass laws impairing the obligation of contracts.

[1] Farrand, "Framing of the Constitution," 32-33.

The Massachusetts Convention which ratified the constitution was composed of 355 delegates, forty-six of whom were from Maine. A great majority of the members were content with giving a silent vote, and took no part in the debates. Of the Maine representatives, only seven spoke. Five opposed the ratification of the constitution, one favored it, and one desired an adjournment of the convention; but, when the question of ratification was put, voted in the affirmative. One of the most violent opponents of the constitution was that zealous patriot of the Revolution, General Thompson.

The only delegate from Maine who expressed himself as unqualifiedly in favor of the constitution, was Captain Snow, a shipmaster of Harpswell. He said that he was ready to give Congress the power necessary for managing the affairs of the nation and was ready to punish the members if they abused it. When the vote on the question of ratification was taken, it was carried by the small majority of 19 in a total vote of 355. The vote in the Maine counties stood: York, yeas 6, nays 11; Cumberland, yeas 10, nays 3; Lincoln, yeas 9, nays 7. Total: yeas 25, nays 21.

For several years after the government under the constitution went into operation, politics were very quiet, John Hancock, by far the most popular man in Massachusetts, being elected Governor year after year, without opposition. But in 1793 he died, and two parties formed, the subjects of difference being the French Revolution and the true principles of government. One party, which was chiefly made up of former Federalists and that took or kept the old name, was so shocked and alarmed by the impieties and massacres in France that they earnestly desired the success of the kings who had leagued themselves against her. They dreaded anything like a real democracy, and wished affairs at home to be quietly managed by the "wise and good," that is, by a few well-to-do, cultivated, conservative gentlemen, whose lead the people should meekly and gladly follow. Their opponents, called sometimes Republicans and sometimes Democrats, wished the government to be conducted as nearly as possible in town-meeting fashion, and in strict accordance with the popular will.

The Federalists had in their ranks most of the persons of social position, nearly all the merchants, lawyers, Congregational ministers, and conservative persons generally. The Republican party contained a few lawyers, more physicians, the bulk of the farmers (though some of the rural districts were very strongly Federalist), and the poorer, more radical and discontented members of society. The Democrats wished government to be as far as possible of the town-meeting type, and claimed that the general welfare was being sacrificed for the benefit of a wealthy class, and that the farmers were being plundered to enrich the merchants. Yet even the Democrats paid considerable regard to social distinctions. Many of their leaders were lawyers and merchants, and until the Jacksonian epoch they usually chose for the higher offices men of refinement and culture.

In 1800 the Democrats won a decisive victory in the presidential election, Thomas Jefferson obtaining seventy-three votes in the Electoral College to sixty-five for John Adams. Jefferson was in theory a pronounced antimilitarist, but in the very first year of his administration he found himself involved in a petty war.

In 1801 the Pasha of Tripoli declared war against the United States, and it continued until 1805. From September, 1803, to September, 1804, the American squadron in the Mediterranean was commanded by Commodore Edward Preble, of Portland. Commodore Preble when a young man had distinguished himself in operations off Penobscot at the close of the Revolution. In 1798 he entered the naval service of the United States, and he served honorably in the war with France. In 1804 the commander of the Mediterranean squadron, who had shown himself unequal to his position, was recalled, and Preble was appointed commodore, that is, commander of the squadron, in his place. He served with much ability for a year, when, the squadron being reinforced, Preble, who was only a junior captain, was obliged to yield the command to his senior, Captain Samuel Barron. On his return to the United States he was received by the President with great distinction, and Congress voted him its thanks and a gold medal. He had also won the regard of several British officers who were stationed in the Mediterranean, and the Pope is reported to have said that the American commander, with a small force and in a short space of time, had done more for the cause of Christianity than the most powerful nations of Christendom had done for ages. Preble was not, however, to enjoy his honors long. His health, which had for some time been poor, broke down completely, and he died on August 25, 1807, at the age of forty-six.

During Preble's blockade of Tripoli, an attempt was made to destroy the enemy's gunboats and injure the castle and town by a fire and powder boat. A vessel which had been captured and renamed the *Intrepid* was filled with explosives and combustibles, and thirteen daring men, under Commander Richard Somers, volunteered to take her into the harbor and fire the train. They had with them two fast row boats in which it was hoped that they might escape. The second in command was Lieutenant Henry Wadsworth of Portland. The attempt was made on the night of September 4, 1804, between nine and ten. The *Intrepid* entered the harbor, but before she had reached the place intended for the explosion, she suddenly blew up and all on board perished. Whether this was due to accident, to a Tripolitan cannon ball passing through the magazine, or to the act of her own crew to prevent the enemy from boarding and capturing the *Intrepid* and the great store of powder she carried, was never certainly known. The bodies were picked up or were washed on shore, and were decently buried by the Tripolitans. A monument to these officers and to the others who fell in the war was subsequently erected in the Naval Academy grounds at Annapolis. Possibly there is a more durable monu-

ment to the memory of Wadsworth in the name of the nephew and namesake born less than two years after his death, Henry Wadsworth Longfellow.

To return to political matters. Maine was Federalist until 1805. By that time the party had greatly decreased in numbers. Even Massachusetts, a Federalist stronghold, had been carried by Jefferson in the preceding year, though the Federalists elected their candidate for Governor. But in Maine there was great discontent with the land policy of Massachusetts. Men who sought homes had settled without leave on land which had been sold or granted in large tracts to wealthy individuals and companies. In some cases the settlers were expelled, losing their improvements; sometimes the owners would neither sell nor lease; in other cases the ownership of the land was in dispute and there was no one who could give a clear title. It was felt in Maine that the Legislature at Boston favored the absentee landlords and wrongfully refused to resume land which they had forfeited by non-compliance with the conditions of the grant. These local causes and the general Democratic movement gave the District of Maine to the Republicans in 1805, and nearly gave them the State in the following year.

No efforts were spared on either side. Each party had a good organization, which it endeavored to keep secret. There was a strong feeling that an election should be the spontaneous act of the voters, enlightened perhaps by newspapers and pamphlets, the latter then playing the greater part in politics. For a candidate to attempt to further his election either by speaking or writing was considered highly improper. Political organizations were regarded with disfavor and when a party was caught making use of one, it explained that it had very reluctantly resorted to such means but that its opponents were doing so in the most outrageous way, and that it was necessary to fight them in a similar fashion.

In 1806 the Democrats discovered and the Portland *Argus* published with great glee a circular from the Federalist county committee for Cumberland, appointing a committee in every town, which was to divide the town into districts and assign one to each of its members whose duty it would be to prepare a list of the Federalists and of the doubtful voters, and devote himself to getting the first to the polls and to winning over the second. The central committee added, "As the success of these exertions for the public good in some measure depends upon secrecy, we therefore recommend to the town committee, to be silent even with Federalists and with the subcommittees on the subject of their connection with us, the county committee, in order that the exertions in every town may appear to originate in said town. This is thought to be necessary in order to prevent jealousies and unfounded prejudices."[2] In justice to the Federalists, it should be said that the Republican methods were quite similar.

[2] *Argus*, March 21, 1806.

The Federal candidate for Governor was Caleb Strong, the Republican, James Sullivan. The latter had grown up in Maine, though he later became a resident of Massachusetts proper. Mr. Sullivan was an able and scholarly man, a good lawyer, and by no means extreme in his political views. He always retained an interest in the region where his childhood and early manhood were passed, and in 1795 published a history of the District of Maine. He was the first president of the Massachusetts Historical Society and served from 1791 to 1806, when his political opponents prevented his reelection.

The returns of the election for Governor reached Boston slowly. When all from "Old Massachusetts" had been received, Strong led in that part of the State by 4,233 votes, but as the returns from Maine came in, it was seen that there was great danger of his majority being wiped out. The *Columbian Centinel,* a leading Boston Federalist paper, declared: "The question now is, Shall the squatters of Maine impose a Governor on Massachusetts?" But there were votes in Maine which the Federalists needed, and when the *Independent Chronicle,* the most influential Republican paper in New England, accused the *Centinel* of calling the inhabitants of Maine squatters, the *Centinel* replied that it only referred to newcomers who had not been in the State long enough to imbibe the principles of Massachusetts, "by which, of course," says Mr. Stanwood in his article on this election in the Proceedings of the Massachusetts Historical Society, "it meant that they had not been members of the community long enough to become Federalists."

Strong was elected, but by so small a majority that only public opinion prevented the Legislature, which was Republican, from counting him out. The next year fortune turned, and Sullivan became Governor. He was reelected the following year, but had a Federalist Legislature and Council, and died just before the expiration of his term.

The public feeling in Massachusetts, as in the nation, was setting strongly toward the Republicans, but it was checked by the passage in 1807 of an embargo law forbidding commercial intercourse between the United States and foreign countries. It was hoped that this would compel both England and France to cease their interference with American commerce, but the stoppage of trade caused the greatest distress in the United States and provoked furious opposition to the law which caused it. Various towns in Maine joined in the chorus of remonstrance. Nor did the opposition stop with mere words. All kinds of tricks were resorted to in order to evade the law. Vessels bound from one port of the United States to another would be disabled by storms or be driven by adverse winds far out of their course and be "compelled" to take refuge in a West Indian port and to sell their cargo to obtain the money for necessary repairs.

There was a great deal of running goods across the line, and Eastport became notorious as a center of this business. Goods, particularly flour,

were brought there in enormous quantities and then taken under cover of night or fog from the American to the British side of the bay. The British facilitated this by allowing the free importation of American goods into New Brunswick, and by stationing armed vessels just back of the boundary line in Passamaquoddy Bay, to protect smugglers from the United States. The American Government made every effort to enforce the embargo; navy vessels were ordered to Eastport; at one time Decatur was sent there in the *Chesapeake;* cordons of sentinels were posted and guards mounted over stores, but the guards were ready to assist the smugglers for a consideration, and in after years the story in Eastport was that all but three were corruptible, and that even they were ready to oblige a friend by taking a walk or a nap at the proper time.

The attitude of New England forced a repeal of the embargo, a non-intercourse act with England and France being substituted. There followed three years more of insult and outrage from both belligerents and of bitter partisan strife at home, and then in June, 1812, the United States declared war against Great Britain. Opinion in Maine was much divided. There was a strong anti-war sentiment. William Widgery voted in Congress in favor of a declaration of war, and was censured for his conduct by the people of Brunswick in their town meeting. Belfast refused to consider resolutions for making military preparations. Castine declared against war and against any voluntary enlistments, though approving of resistance to invasion.

The opposition to the war and the Government found one of its most radical leaders in Samuel Fessenden, of New Gloucester, "a rabid Federalist community." In January, 1814, he said in a speech in the General Court that "the distress of the District of Maine was intolerable; the children were naked and barefoot, their families were deprived of bread for six weeks together, and they were entirely dependent on other parts for that article, and obliged to pay twenty-five cents for a permit to carry bread to their families. He would take the sword in one hand, the State constitution in the other, and demand his rights; it was time to take our rights into our own hands. We ought to pass a law prohibiting any person stopping vessels going from one point to another; that we ought to establish a custom house by law, and the sooner we come at issue with the general government the better."[1]

Later he was an advocate of the calling of the famous Hartford Convention. This was a meeting at Hartford of delegates from Massachusetts, Connecticut, Rhode Island, and from some districts in New Hampshire and Vermont, to consider the means of obtaining a redress of grievances. It was charged at the time that the real purpose was to plan secession, but this was probably false. In the House of Representatives a majority both of the members from Massachusetts proper and of those from Maine voted

[1] Morison, "Harrison Gray Otis," II: 89.

for calling the convention. Of the twelve delegates from Massachusetts, two, Stephen Longfellow and Samuel S. Wilde, were residents of Maine. Both were lawyers. Wilde was by birth a Massachusetts man, and after Maine became a separate State he returned to Massachusetts, desiring to retain his position as a judge of the Supreme Court, to which office he had been appointed in 1815. Mr. Longfellow was a good lawyer and an honorable, refined and courteous gentleman, but his chief distinction is that of having been the father of Henry Wadsworth Longfellow. Like most of their colleagues, Wilde and Longfellow were not extremists. Mr. S. E. Morison says in his recent "Life of Harrison Gray Otis": "The Massachusetts Legislature had taken care not to choose prominent radicals like Lowell, Quincy, Blake, Fessenden and Putnam."[4]

It would not, however, be fair to Maine to represent all her people as opposed to the Federal Government and its measures for vindicating the national honor. In embargo days a county convention at Augusta endorsed the embargo; the selectmen of York, Falmouth, Nobleborough and Poland refused to petition for a repeal, and so did town meetings in North Yarmouth, Parsonfield, Vassalborough, Waterville and Bangor. The towns of Brunswick, Waldoboro, Hebron, and Camden voted to request a repeal, but the Portland *Argus* declared that at Brunswick 150 dissented, that at Hebron the vote stood 49 to 40, and that the minority had sent their opinions to the President; that less than a fourth of the citizens of Waldoboro were present at their town meeting; that the resolution at Camden was carried by a vote of 40 to 39, and that a paper expressing disagreement, signed by 70 voters, was sent to the President.

When the Legislature voted to call a convention at Hartford to consider means for redressing the grievances of New England, the vote in opposition from Maine was much larger proportionately than that from Massachusetts proper, and the most vigorous speech against the call was made by John Holmes, of York. The winter before, in answering Fessenden's sword and constitution speech demanding State custom houses and the making an issue with the Federal Government, he had said, "If the gentleman was to attempt such a thing in the District of Maine, which he came from, he knew the course which would be pursued against him; he would be taken before the judge of probate and put under guardianship."

At first the war of 1812 bore lightly on Maine except for the interference with trade and the increase of taxation. It was more than a year after the outbreak of hostilities before there was any fighting of importance on her soil or near her waters. But on September 5, 1813, the United States brig *Enterprise,* Lieutenant William Burrows, captured the British Brig *Boxer,* Commander William Blythe. Both commanders fell early in the action. The battle was decided by the *Enterprise* raking the *Boxer,* bringing down her mainmast and obtaining a position from which no adequate return

[4]Morison, "Otis," II: 139.

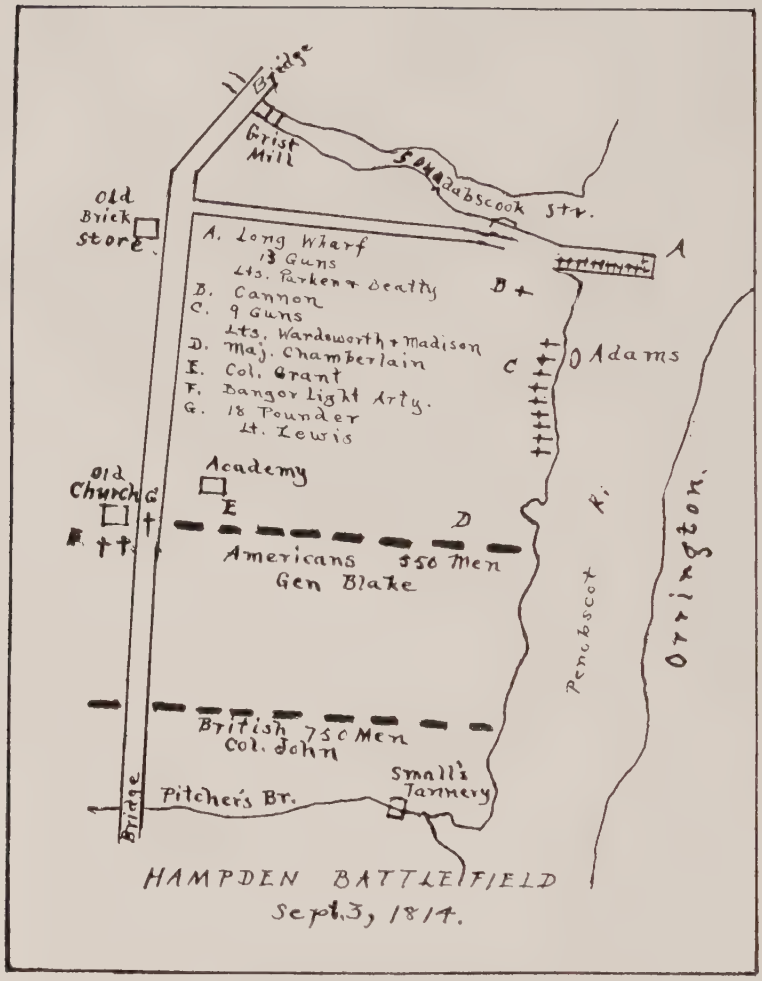
could be made to her fire. The loss of the *Enterprise* was four men killed and ten wounded, that of the *Boxer* was seven killed and thirteen wounded, the mortally wounded being reckoned among the killed. The *Enterprise* was much damaged in the rigging, the *Boxer* in hull and masts as well, and it was with difficulty that she was kept afloat and brought into Portland.

There the dead captains were buried with all honor, the Americans with true chivalry including Captain Blythe in their tributes of respect. A stone, suitably inscribed, was placed over the grave of Captain Blythe by the officers and crew of the *Boxer*. Some years later, Samuel M. Burrows of New York erected a monument to Captain Burrows. Two years after the fight, Midshipman Waters, of the *Enterprise*, was buried by the side of his commander. He had been wounded in the battle, and two days later his injury was officially reported as mortal, but he lingered over two years, dying on September 25, 1815. He was cared for during this time by the young men of Portland, who also paid for a monument. Fifty years later, after the great Portland fire of 1866, his sister sent $300 to the relief fund, and a letter "expressing great interest in the city and sympathy for the suffering people."

The citizens of Portland did not forget to honor the living as well as the dead. On the 15th of September a public dinner with toasts and an original ode was given to the officers of the *Enterprise*, and another dinner, apparently without speeches or ode, was provided for the crew. This was less complimentary, but perhaps more agreeable.

In 1814 the pressure of the war was felt more severely by Maine. The attempt to win New England to make a separate peace with Great Britain had failed, and on April 25, 1814, a blockade of her ports, as well as those of the rest of the United States, was proclaimed. This was followed by the dispatch of an expedition against Moose Island, on which the town of Eastport is situated. Resistance was hopeless, and the fort with its little garrison of only eighty men surrendered at the first summons. The British claimed that Moose Island was a part of New Brunswick and that they had reoccupied, not conquered it. Accordingly an order was issued commanding all the inhabitants of Eastport to take a prescribed oath of allegiance or leave the island. A deputation of citizens waited on the British Admiral, Sir Thomas Hardy, and requested him to modify the oath. He answered that the form of the oath to be administered was a part of his instructions and he was unable to change it, but that he could state verbally that it was intended as an oath of neutrality while the British held Eastport, rather than of perpetual allegiance. With this explanation and with financial ruin awaiting them if they refused to swear, most of the inhabitants took the oath. Their conduct was not heroic, but, under the circumstances, they should not be severely blamed.

A more serious invasion followed. Maine, according to the American interpretation of the treaty of 1783, thrust itself deep into the British prov-



HAMPDEN BATTLEFIELD

inces, and the Cabinet at London desired an acquisition of territory which would make the direct route from Halifax to Quebec undeniably British. Should the country be in their hands when the negotiations for peace were opened, the cession would be easier to obtain, and Sir John Sherbrooke, the governor of Nova Scotia, was directed to occupy Maine as far as the Penobscot. In obedience to these orders he sailed from Halifax late in August with a force of 3500 men, escorted by three 74s, two frigates, two sloops and a schooner, under Rear Admiral Griffith. The town selected for the first attack was Machias, but on the voyage thither information was received which led to a change of plan. The American corvette *Adams,* Captain Morris, after capturing several British vessels, had gone on the rocks near Isle au Haut,[5] and had been taken to Hampden, some twenty-five miles up the Penobscot, for repairs. The few vessels of the American navy had done so much damage that the capture of even one was considered by the British an important success, and when Sherbrooke and Griffith heard that the *Adams* was lying disabled at Hampden, they resolved to make her capture or destruction their first object. On the morning of September 1 the expedition reached Castine, which was at once abandoned by its garrison. A frigate and the 29th Regiment were sent to occupy Belfast, and a 74, three flank companies, a rifle company and a portion of the artillery, was sent to destroy the *Adams.*

This detachment was detained by unfavorable winds, and it was not until the evening of September 2 that the transports and smaller war-vessels came within about two miles of the village, and the troops were landed. Captain Morris had received news of the arrival of the British at Castine, on the noon of September 1. He at once concluded that their object was the capture of the *Adams* and of two merchant vessels with valuable cargoes aboard, the *Decatur* and the *Kutusoff,* lying at Hampden. He therefore prepared for defense and sent a message to Brigadier-General Blake, of Brewer, asking him to collect as many militia as possible. The guns had been taken out of the *Adams* while she was being repaired, and by great exertions on the part of the crew and the citizens of Hampden two batteries of fourteen and nine guns respectively were mounted, which commanded the river.

Morris was confident that he could keep the enemy's fleet at bay if the militia would protect his flank and rear from attack by land. But it was doubtful if they could be relied upon. On the evening of September 2 there was a conference in the Academy building, between Captain Morris, General Blake and some of his officers, and leading citizens of Hampden and Bangor. Some were in favor of making every effort to defend the *Adams,* but others thought of the danger to their property, believed that if there were a battle the British would win, and were inclined to trust to

[5]The place where the accident occurred is still known locally by the name of Capt. Morris's Mistake.

the magnanimity of the enemy. These sons of the willow were probably Federalists. Their brethren in Boston held similar opinions until news that the British had plundered ultra-Federal Alexandria frightened the dignified submissionist merchants into working with their own hands on the fortifications.

There was, however, considerable reason for the discouragement at Hampden. In numbers, indeed, the land forces on each side were about equal. But most of the Americans had never been in battle, they were untrained and some of them unarmed. As Morris needed all his crew to work the *Adams'* guns, he distributed most of the ship's muskets and powder among the ill-provided militia. But he could not provide them with courage. Some of the men were thorough cowards.

The question of resistance was finally left to General Blake, who determined to make a stand. "The line extended easterly from the meeting-house along the crest of the Academy hill toward the river." On the extreme right were the Bangor artillery company with two four-pounders, and an eighteen pounder carronade taken from the *Adams* and manned and supported by the regulars from Castine, who had arrived that day. The guns commanded a bridge over a small stream called Pitcher's Brook, which the enemy must cross. On the left of the guns, extending toward the river, were the militia infantry.

Fearing a surprise, both the crew of the *Adams* and the militia stood to their arms all night. Rain was falling, but they were without shelter. The morning was foggy and the British, thinking themselves opposed by double their number, advanced with great caution. As soon as they were seen, the American artillery opened on them, but the British column pushed across the bridge, deployed and charged. General Blake, following the example of Prescott at Bunker Hill, had ordered his infantry to reserve their fire till the enemy were close at hand, but the strain was too much for the raw militia, exhausted by a night's watching in the rain. The center broke, the wings immediately followed their example, and the whole regiment fled toward Bangor in great disorder.

Captain Morris had fired at the enemy's guard and rocket boats, but they remained beyond the reach of his guns. When the militia fled, the sailors, many of whom were armed only with pikes and cutlasses, were left exposed to the attack of the entire British force. Morris ordered his men to retreat, the guns to be spiked, and the *Adams* fired. In his report to the Secretary of the Navy he said: "We continued our retreat towards Bangor, when we found and retired upon a road leading to the Kennebec. * * * Perceiving it impossible to subsist our men in a body through a country almost destitute of inhabitants, they were ordered to repair to Portland as speedily as they might be able. The entire loss of our personal effects rendered us dependent on the generosity of the inhabitants between the Penobscot and the Kennebec for subsistence, who most cheerfully and liberally

supplied our wants to the utmost extent of their limited means. Our warmest thanks are also due to the inhabitants of Waterville, Augusta and Hallowell for their liberality and attention."[8]

The defeated militia made their way to Bangor and hastened to rid themselves of arms and uniforms and to become peaceful citizens once more. Three of them had been killed in the fray, and at least eleven wounded. The British loss was one soldier and one sailor killed (a detachment of sailors had marched with the troops), a captain and seven rank and file wounded, and one rank and file missing.

The British troops and fleet at once proceeded to Bangor, which had no choice but to surrender at discretion. The British demanded quarters and provisions, which were promptly furnished. They seized the money in the post office, a quantity of merchandise which had been forfeited to the United States Government, and all the vessels in the harbor. They were about to burn the unfinished vessels on the stocks, but as the wind would probably have carried the fire to the town, they accepted a bond of the selectmen pledging Bangor under a penalty of $30,000 to finish the vessels and deliver them at Castine in October. By threats of burning the town they compelled the inhabitants to give up their arms, including the two guns belonging to the artillery company, which had been hastily dragged off from Hampden hill and concealed in the woods.

The able-bodied citizens to the number of 197 accepted paroles as prisoners of war; among them were Francis Carr, who as a member of Congress in 1812 had voted in favor of declaring war against Great Britain, and William D. Williamson, the future historian of Maine. It is said that Mr. Carr was unwilling to submit to parole and that he deemed it prudent to keep out of the way of the British, for one of their first inquiries had been who were Republicans and who Federalists. General Blake had retired to his home in Brewer, but, hearing that he was being asked for, he came into town, surrendered himself, and was paroled.

The British remained in Bangor thirty hours and then returned to Hampden. During their stay some of them had behaved with great rudeness and there had been considerable plundering. At Hampden their conduct had been even worse. A committee waited on Captain Barrie to ask at least the common rights of humanity. He answered, "I have none for you. My business is to burn, sink, and destroy. Your town is taken by storm, and, by the rules of war, we ought both to lay your village in ashes, and put its inhabitants to the sword. But I will spare your lives, though I mean to burn your houses." A messenger was then dispatched to General Sherbrooke, at Castine, upon the subject, who returned an order not to burn without dire necessity.

On the 5th two ships with valuable cargoes were burned and the cap-

[8] In his autobiography Commodore Morris speaks less favorably of the inhabitants, saying that some refused to give any assistance.

tured cannon were further disabled or thrown into the Penobscot. On the 6th the enemy went down the river to Frankfort, where some arms and some animals for food were obtained. The people, however, were very slow in satisfying the demands made on them, and the British were obliged to be content with only a part of their requisitions. On the 7th they arrived at Castine.[1]

General Sherbrooke now turned his attention to Machias, the only post still held by the Americans east of the Penobscot. It was occupied without resistance, but the British did not find it necessary to remain long.

John Cooper, the sheriff of Washington county, proposed that the whole militia of the county surrender and be placed on parole. General John Brewer and Colonel Campbell, the two principal militia officers in the county, ratified his offer and it was accepted by the British commander-in-chief.

Admiral Griffith, with a portion of the fleet, and General Sherbrooke and about half of the troops, now returned to Nova Scotia. Admiral Milne and General Gosselin were left in command of the force remaining at Castine. Preparations were made to meet any attempt of the Americans to recapture the place. Some sixty or seventy guns were mounted in various batteries or redoubts. The principal one was named after Admiral Griffith, two of the others after Generals Sherbrooke and Gosselin. The British also enlarged a trench across the peninsula, said to have been dug by Mowatt, into a canal ten or twelve feet wide and eighty rods long. The purpose was as much to prevent desertion as surprise. Transports were ready for the escape of the garrison should it be necessary. They were, however, in little danger of attack; indeed, there was for a time great apprehension in Maine lest they might extend their operations to the mouth of the Kennebec, or even farther.

Major-General King, of Bath, called out his division of militia, and Major-General Sewall a part of his. The specie was removed from the Bath and Wiscasset banks, and some of the inhabitants of the latter place sought safety in the interior, taking with them their families and part of their goods and furniture. The alarm spread to Portland. The Cumberland and Oxford militia to the number of six or seven thousand were called out for the defense of the city and placed under the command of Major-General Alford Richardson. Fortifications were thrown up, and the guns were taken out of a captured Indiaman and mounted on the *Boxer,* which had been stripped of her own guns. But no enemy came, and in about a fortnight the militia were dismissed. The British made a few plundering boat raids from Castine, but no attacks in force.

But if there was no fighting there was much trading. The situation was very like that at Eastport before the war, except that the United States Government, though very strict in some points, winked at certain infractions of the law.

[1] "History of Penobscot County," 558-569.

BLOCK HOUSE, WISCASSET

Maine furnished two brigadier-generals to the United States army—John Chandler and Eleazer Wheelock Ripley. Chandler, though a brave officer, did little to distinguish himself, and had the misfortune to be captured at Stony Creek. Ripley and his brigade won a national reputation at Lundy's Lane and Fort Erie. Henry Adams says of him that "although his record was singular in showing only patient, excellent, and uniformly successful service," he "leaned toward caution, while Brown and Scott thought chiefly of fighting. The combination produced admirable results; but either officer alone might have failed."

On December 24, 1814, a treaty of peace was signed at Ghent. Each party was to restore territory belonging to the other which it had conquered, and provision was made for referring the question of the ownership of the islands in Passamaquoddy Bay to a joint commission, a method which had already been successfully employed in accommodating a dispute as to what river had been made the eastern boundary of Maine by the treaty of 1783.

Chapter V

OUR EASTERN BOUNDARY
THE ST. CROIX RIVER CONTROVERSY

CHAPTER V

OUR EASTERN BOUNDARY; THE ST. CROIX RIVER CONTROVERSY

By Edgar Crosby Smith

From the time to which the memory of man runneth not to the contrary, boundary disputes have flourished.[1] They have been a fruitful source for controversy between individuals, municipalities, states and nations; sometimes settled amicably by the parties in interest, sometimes by a resort to the courts of law, often by reference or arbitration, and occasionally by a call to arms and war. Causes which lead to these disputes are varied, but by far the greater percentage of them may be traced to the imperfect knowledge of the topography of the country, of which the framers of the deed, grant, patent or treaty attempt to describe a boundary. They may have imperfect or incorrect maps and plans before them, or none at all, and may rely upon verbal descriptions furnished them by parties in interest or otherwise.

In the earlier grants and treaties, when the land was unsettled and of little value, the precise location of a bound was considered of little moment and in nearly every case it was so far beyond the limits of any settlement that little thought or attention was given to its exact location on the face of the earth. However, as population increased and settlers pushed their way to the frontiers, then the determination of the exact location became of supreme importance. Controversies arose which engendered much bitterness between the contending parties; surveys and resurveys were made; claims and counterclaims were presented; suits instituted and a general chaos as to titles existed until the disputed line was actually located by metes and bounds by an authority recognized as binding upon all of the contestants. And even then, after the locus was established, the parties in direct interest, those who had lost that which they had striven so strenuously to hold and that which they honestly believed to be theirs, acquiesced in the finding with reluctance. This is not at all an unnatural result, for disputed boundaries are about as productive of prejudice in the human mind as is the discussion of politics or theology.

The eastern boundary of the United States coincides with the eastern boundary of the present State of Maine, and therefore the controversy which arose in relation to it properly becomes a subject to be treated in the history of our State. It is a boundary that was a subject of more or less controversy for many years, but the acute period was comparatively short; from the treaty of Paris in 1783 to the determination of the

[1] Thou shalt not remove thy neighbor's landmark, which they of old time have set. Deut. xix, 14.

commissioners in 1798. But during this period of fifteen years the dispute developed all the elements of bitterness, prejudice and partisanship usually incident to such contentions. Beyond question the contestants on both sides thoroughly believed in the justness of their respective claims, and considered a decision to the contrary would be a rank injustice.

The River St. Croix became a part of the eastern boundary of the United States by the terms of the treaty of peace between our Nation and Great Britain, which treaty was concluded at Paris, September 3, 1783. That part relating to the above-mentioned river is as follows:

"East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands, which divide the rivers which fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all the islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia."[2]

As this river figures so prominently as a boundary and the location of it required the services of a board of able commissioners, acting under the authority of a treaty between two great nations, it is proper and necessary to consider something of the history of its discovery, naming, and its use as a boundary before it assumed the dignity of being a bound between the domains of the United States of America and the United Kingdom of Great Britain.

In the year 1603, King Henry IV of France granted to Sieur de Monts a charter of Acadia,[3] embracing all the territory between the fortieth and forty-sixth degrees of latitude.[4] De Monts sailed from Havre de Grace, April 7, 1604, and accompanying the expedition as King's geographer was Samuel de Champlain. The land first made was at Cape La Heve, on the Nova Scotia coast, May 8. They explored westward and entered the Bay of Fundy, discovered the Annapolis basin, or Port Royal; on June 24, St. John's Day, they discovered the St. John river and so named it in honor of the saint whose day it was.

On June 26th an island near the mouth of a considerable river, west of the St. John, was discovered, and in the opinion of de Monts and Champlain it was a most desirable spot upon which to establish their colony, a

[2]"Treaties, Conventions, etc., Between the United States of America and Other Powers," 1776-1909: Washington, 1910: Vol. I, p. 588.

[3]For origin of the name, Acadia, see "Evolution of the Boundaries of New Brunswick," Wm. F. Ganong: 1901, p. 161. See also Parkman's "Pioneers of France in the New World," (Little, Brown & Co.), 1898, p. 243.

[4]For an English translation of this charter, see Williamson's "History of Maine," Vol. I, p. 651.

site for which they had been searching for over a month since their first landing on these shores. This island was named by de Monts, Isle Saincte Croix (the Island of the Holy Cross), on account of the branches of the river at some distance above the place meeting in the form of a cross.

Here they erected their buildings, fortified the island and planned to establish a colony to hold the land for France. A part of the expedition returned to France that winter, but seventy-nine men remained at St. Croix.[5] Before spring thirty-five of the number were dead. The following winter the colony was removed to Port Royal, and in 1607, the charter having been revoked, the dispirited survivors of the little colony in Acadia returned to France. In 1613 the last buildings left on the island were destroyed by an English expedition commanded by Captain Argall from Virginia, and the spot was left to return to wilderness from which it had been rescued only nine years before. So it remained for nearly two hundred years.

Although the undertaking of de Monts came to naught, yet one thing enduring remained, the name, St. Croix, and from that time onward the River St. Croix became an important factor in the history of the locality. It was delineated on the crude maps of the period, recited as a boundary in grants and treaties and yet, withal, its exact location upon the face of the earth was lost. The rivers of the country were called by the settlers by the names given them by the aborigines and the name St. Croix was only mentioned by historians and marked upon maps and written in legal documents.

In 1621, September 10, King James of England and Scotland granted to Sir William Alexander a royal patent of Nova Scotia.[6] This patent is worthy of particular note in that it was the first grant of land on the American continent having definite boundary limits laid down upon the face of the earth. Of special importance to the subject under consideration is the fact that one of those boundaries, the western, is the St. Croix river. The words in the original charter in so far as they relate to that river are as follows: "As far as the river St. Croix, and to the farthest source or spring, which first comes from the west to mingle its waters with those of that river; from thence by a straight imaginary line, crossing the lands or running towards the north, as far as the first bay, river or spring which runs into the great river of Canada."[7]

In the light of subsequent history, our attention is attracted to the fact that then was established the western bound of New Brunswick[8] and the eastern of our present State of Maine; a line of demarcation between the territory of the United States and Great Britain. For this boundary is

[5]Parkman's "Pioneers of France in the New World," supra, p. 250.

[6]This charter is printed in full in Williamson's "History of Maine," Vol. I, pp. 655-657.

[7]Ibid. pp. 655-656.

[8]New Brunswick was a part of the province of Nova Scotia until 1784, then being set off and erected into a separate province.

not a simple coincidence with this old Nova Scotia line, but comes to us in a line of direct descent.

In 1664 Charles II. of England granted to his brother James, the Duke of York, all the territory between Nova Scotia and the Kennebec river. The descriptive words in the charter are these: "All that part of the maine land of New England begining at a certain place called or knowne by the name of St. Croix next adjoyning to New Scotland in America and from thence extending along the sea coast unto a certain place called Petuaquine or Pemaquid and so up the river thereof to the furthest head of ye same as it tendeth northwards and extending from thence to the River Kinebequi and so upwards by the shortest course to the River Canada northward." . . .[9]

Again, in 1674, the charter was revived and a new one granted; the words describing the territory are nearly identical with the former one and are, in part, as follows: "All that part of the main land of New England, beginning at a certaine place called or known by the name of St. Croix nexe adjoining to New Scotland in America and from thence extending along the seacoast unto a certaine place called Petuaquine or Pemaquid and so up the river thereof to the furthest head of the same as it windeth northward and extending from the river of Kinebeque and so upwards by the shortest course to the river Canada northwards." . . .[10] This region in our history is known as "The Territory of Sagadahock," and was also sometimes designated "New-Castle" and "County of Cornwall."[11] Here again we have the St. Croix figuring prominently as a boundary.

The charter of the Province of Massachusetts Bay, granted by William and Mary, October 7, 1691, again recognized the limits of the ancient province of Nova Scotia.[12] By this charter the whole of Nova Scotia and Acadia was granted to the Bay Colony, but the burden of defence and protecting sovereignty was too onerous and about 1696[13] or 1697, without any direct act of Parliament to the purpose, Massachusetts surrendered or abandoned to the home government all the territory east of the St. Croix, and never afterward claimed jurisdiction.

Prior to the granting of the Bay Colony charter and subsequently, up to the treaty of Paris, in 1783, the River St. Croix was directly and indirectly recognized as a boundary by treaties between Great Britain and France; but enough has already been cited to show its continuity as such.

The disputes between England and France as to the western limit of Acadia, whether it was the Piscataqua, Kennebec, Penobscot or St. Croix,

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[9]"Federal and State Constitutions, Colonial Charters, etc.," by Francis N. Thorpe; Washington, 1909; Vol. III, p. 1637.

[10]Ibid. p. 1641.

[11]Williamson's "History of Maine," Vol. I, p. 407.

[12]"Federal and State Constitutions," supra, Vol. III, p. 1876.

[13]"Evolution of the Boundaries of New Brunswick," Wm. F. Ganong; 1901, pp. 189, 194.

have little to do with the subject under consideration except that they left a record of the existence of the latter river, but the identity of the St. Croix of Champlain had been forgotten and it remained for future generations to discover it anew.

The treaty of peace between France and England, in 1763, terminated the dominion of France in the New World. The province of Nova Scotia and the province of Massachusetts Bay both once more were under the dominion of England; the former so to remain, the latter for only a brief period of twenty years, when the mother country recognized the independence of the United States.

Immediately after the peace treaty of 1763 between France and England, some of the boundaries of the provinces of Massachusetts Bay, Nova Scotia and Quebec, were legally defined and determined, but no attempt had been made to locate them by lines marked on the land. Among those so determined was the bound between the colonies of Nova Scotia and Massachusetts, fixing the eastern limit of the province of Maine or the western limit of the province of Nova Scotia. This was declared to be the River St. Croix, and from its source a line running north to the watershed of the St. Lawrence.

Soon after peace was established, grants of land to settlers and speculators, principally to the latter, began to be made, and it was early discovered that there was a wide difference of opinion as to which river emptying into Passamaquoddy Bay was the St. Croix. This was but natural, as the region of the St. Croix had hardly been visited for the previous one hundred and fifty years, the origin of the name had been lost sight of, and the occupation by de Monts' colony was of only few months' duration, so that it left only a tradition for the aborigines to hand down from generation to generation. They had names of their own for the rivers and all natural formations of the country and the name, St. Croix, was only a memory descended to them from a generation of ancestors gone to the happy hunting ground a century and a half ago.

The three principal rivers emptying their waters into Passamaquoddy Bay are the Cobscook, the western; the St. Croix, then called the Scoodic or Passamaquoddy, the middle; and the Magaguadavic, the eastern. Each of these rivers had been designated the St. Croix on maps prior to 1783, as the cartographer's information or lack of information, interest or desire prompted.

The first effort to locate the river seems to have been made in 1764, when Governor Bernard of Massachusetts sent John Mitchell to the Passamaquoddy region under orders to survey the bay and locate the St. Croix and fix its source. Mitchell relied almost wholly upon testimony of the natives in his efforts to find the river. Undoubtedly that was the only course of procedure which presented itself to him, except, possibly, he may have had access to Mitchell's map of 1755, which marked the St. Croix as the

eastern river entering the bay, or that of Southack's of 1733, which apparently designated a small river entering about midway that might be the Digdeguash. According to his field book, which is in the possession of the Maine Historical Society, on June 5 he proceeded to the Magaguadavic, when and where he "Requisted Three of Sd. Indians to Swear that the Sd. River that they Showed us was actually Known By the name of St. Croix River. The Names of Sd. Indians are as followeth. Lue. Nepton. Meesel and Mary Cattron." These Indians, under oath, deposed that the Magaguadavic was the river, hence Mitchell so called and designated it on the plan of his survey. At the end of the field book appears the following certificate, under oath:

"I the subscriber an inhabitant of Chester in the state of New Hampshire, voluntarily make the following declaration—To wit, That I was employed by His Excellency Francis Bernard Esq. Governor of the Province of Massachusetts Bay in April 1764, as a Surveyor, in company with Mr. Israel Jones as my deputy, Mr. Nathan Jones, as commanding officer, of a party of troops, and Captain Fletcher as indian interpreter, to repair, to the Bay of Passaquoddi, to assemble the indians usually residing there, and from them, to ascertain the River known by the name of the St. Croix. We accordingly assembled upwards of forty of the principal Indians, upon an Island then called L'Atereel in said Bay of Passamaquoddi—After having fully and freely conversed with them, upon the subject of our mission, the chief commissioned three Indians to shew us the said river St. Croix, which is situated nearly six miles north, and about three degrees east of Harbour L'Tete, and East North East, of the Bay or River Scudac, and distant from it about nine miles on a right line. The aforesaid three Indians after having shewn us the river, and being duly informed of the nature and importance of an oath, did in a solemn manner depose to the truth of their information respecting the identity of the said River St. Croix, and that it was the ancient and only river known amongst them by that name. We proceeded conformably to this information in our Surveys, and in August following I delivered to Governor Bernard three plans of the said river St. Croix, and the said Bay of Passamaquoddi."

In a letter from Governor Bernard to Governor Wilmot of Nova Scotia, which is preserved,[14] we are able to discover, perhaps, the real motive for this attempt on the part of Bernard to locate the river. He was desirous of obtaining for himself and some of his friends a grant of a large tract of land and he wanted it east of the St. Croix; or, in other words, in the province of Nova Scotia. Governed, naturally, by the proprieties and fitness of things, he considered it as impolitic to take a grant of a large tract located in the province of which he was the governor.

The following year, 1765, Charles Morris, Surveyor-General of Nova Scotia, surveyed the Passamaquoddy region under the orders of Governor Wilmot. His report and map are on file in the Public Record Office in London. Morris went to the other extreme and designated the Cobscook

[14] "Evolution of Boundaries," etc., supra, p. 235.

as the St. Croix and called Treat's Island, St. Croix Island. He, too, says in his report that he had testimony of the Indians that this was the true St. Croix, which shows how little dependence could be placed upon evidence of this nature. There is nothing in evidence to impeach, in the slightest degree, the honesty of either Mitchell or Morris in coming to their conclusions. Neither had anything to gain, nor, as a matter of fact, had their superiors, Governors Bernard and Wilmot, as both were governors of adjoining provinces owing allegiance to the same king. The only motive either governor could have had was a natural pride in extending his dominions as far as possible.

Morris' survey was taken as correct by some cartographers, and upon several maps published thereafter we find the Cobscook marked as the St. Croix.

The same year of Morris' survey, on October 21, 1765, Nova Scotia granted to Governor Francis Bernard and his associates, Thomas Pownal, John Mitchell, Thomas Thornton and Richard Jackson, 100,000 acres of land west of the Scoodic river, lying between it and the Cobscook, thus adopting the latter river as the western boundary of Nova Scotia. Governor Bernard, in accepting a grant in this location, apparently acquiesced in the survey of Morris making the Cobscook the bound.

These two surveys of Mitchell and Morris appear to be the only efforts to locate the situation of the lost river prior to the treaty of 1783. Soon after, the disaffections between Massachusetts and the other colonies, which later became the United States of America, and the mother country commenced which ultimately led to the Revolution. In the consideration of these momentous questions a subject of such minor importance was lost sight of and apparently entirely forgotten.

The next chapter in the history of the St. Croix opens with the treaty of Paris, 1783. After the cessation of hostilities between the United States and Great Britain, ministers plenipotentiary were appointed by the respective governments, empowered to execute a definitive peace treaty. David Hartley, Esquire, M.P., was the British minister, and John Adams, Benjamin Franklin and John Jay, the American, men able and patriotic on both sides. They met at Paris, and on the third day of September, 1783, the treaty was concluded and signed by the ministers.

The opening words of Article II are significant: "And that all disputes which may arise in future, on the subjects of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries. . . . ." Words which indicated a spirit and determination to avoid all future controversy upon the subject. Following these words was a minute description of the bounds of this nation as it then existed, naming the eastern bound as recited previously in this chapter.

The St. Croix had been a boundary between Nova Scotia and the ter-

ritory that had now become the United States since 1621; had been a river designated by a name given it by de Monts and recorded by Champlain since 1604; thus, for 179 years it had been known to the civilized world and delineated on maps. By the natural sequence of events, Nova Scotia remaining loyal, it must be the boundary, and it is more than probable that no idea entered the minds of the negotiators of this great treaty that there was or ever would be any dispute as to where this river was located.

In drafting the treaty they had before them Mitchell's map of 1755, undoubtedly the best then extant, and they marked the boundaries on it.[15] This map, as stated previously, marked the most eastern river entering Passamaquoddy Bay as the St. Croix, the river called by the Indians Magaguadavic; and with no hesitancy or known reason for doubt the negotiators assumed this to be correct. However, they did not make the map a part of the treaty by referring to it in any manner in that document. They simply made the St. Croix river a bound. Hence the controversy.

The treaty was hardly signed before the dispute began. A number of Loyalists settled on the eastern side of the Scoodic at St. Andrews and, backed by their government, proceeded to lay out and erect a town. To such a proceeding Massachusetts entered an immediate and emphatic protest and further to any such settlements west of the Magaguadavic, which she claimed to be the true St. Croix. Governor Parr of Nova Scotia answered in a friendly spirit, but, nevertheless, as firmly claimed that the Scoodic was the correct river.

Correspondence and documents in relation to the matter were transmitted to Congress by the Governor of Massachusetts and, on January 26, 1784, that body returned them accompanied by a resolution recommending a further investigation and suggesting, if the boundary was found to be as claimed, that Massachusetts take up negotiations with Nova Scotia.

Upon the authority of a resolve of the Massachusetts General Court, passed July 7, 1784, a committee of three was appointed by the Governor to investigate the matter of the topographical location of the St. Croix and to ascertain what encroachments had been made upon Massachusetts territory. This committee consisted of General Benjamin Lincoln, General Henry Knox and Mr. George Partridge. Mr. Partridge was prevented by illness from taking active part in the work of the committee, but Generals Lincoln and Knox at once entered upon their work, visited the place, collected what information they could and, on October 19, of the same year, filed their report and collected documents with the Governor of Massachusetts. Appended to their report was a statement regarding the river, which is important, in that it was practically adopted by Judge Sullivan, the American agent under the Jay treaty, in formulating the claim of the United States that the Magaguadavic was the St. Croix. It is as follows:

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[15]See the testimony of John Adams, in "The St. Croix Commission," by Rev. Henry S. Burrage; "Collections Maine Historical Society," series II, Vol. 6, p. 234.

"There are three very considerable rivers which empty themselves into the bay of Passamaquoddy, which is from five to seven leagues wide. The eastern river falls into the bay about a league from the head of it, and perpendicular to the eastern side; the middle river falls into the bay far on the westerly side of the head of it, and in a direction parallel therewith; the western river falls into the bay about six leagues from the head of it, on the westerly side, and nearly perpendicular to it; all of which, in late British maps, are called St. Croix. The first is, by the Indians, called Maggacadava, the second Schoodic, and the third Cobbscook.

"By every information the subscribers could obtain, on an inquiry of the Indians and others, the eastern river was the original St. Croix. This is about three leagues east of St. Andrews, where the British inhabitants have made a settlement. Soon after the subscribers had received their commission, they wrote Mr. Jay, requesting him to give them information whether the commissioners for negotiating the peace confined themselves, in tracing the boundaries of the United States, to any particular map, and if any one, to what? Since their return, they received his answer, mentioning that Mitchell's map was the only one that the commissioners used, and on that they traced the boundaries agreed to. This, in the opinion of the subscribers, is a fact which must facilitate an equitable decision of the matter; *though Mitchell's map is not accurate, at least in the description of the eastern parts of the State. He has described but two, instead of three rivers, which empty themselves into the Bay of Passamaquoddy.*[16] The eastern of these he has placed at the head of the bay, near the center of it, and calls it St. Croix. The western river he has called by the name of Passamaquoddy. Hence it is plain, that though *the map is inaccurate,* yet the eastern river, which empties itself into the bay, is, in the opinion of Mr. Mitchell, the St. Croix."[17]

After receiving this report Governor Hancock of Massachusetts transmitted to Governor Parr of Nova Scotia the findings of the commissioners, accompanied by a letter, in which he says: "The Government of this State, sir, is no less desirous than the United States in Congress assembled, of cultivating that peace and harmony which I hope will ever subsist between the citizens of the States and the subjects of His Majesty; wherefore in pursuance of the resolutions of Congress, I am to request your Excellency will be pleased to recall from off the said territory those subjects of His Majesty who have removed themselves from his dominions, and planted themselves within this commonwealth."[18]

The province of New Brunswick was erected in 1784 and the correspondence thereafterwards was with the officials of that province. On June 21, 1785, Governor Carlton of New Brunswick replied to Governor Hancock's letter and, among other things, states:

"In consequence of a letter from your Excellency to the Governor of Nova Scotia, which has been transmitted to His Majesty's Ministers,

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[16]The italics not in the original.

[17]The full report may be found in, "American State Papers, Foreign Relations," Vol. I, p. 91.

[18]"State Papers," supra, p. 92.

respecting the boundary between this Province and the State of Massachusetts Bay, I have it in charge to inform your Excellency that the *Great* S. Croix, called Schoodick by the Indians, was not only considered by the Court of Great Britain as the River intended and agreed upon by the Treaty to form a part of that Boundary, but a numerous body of the loyal refugees immediately after the Peace, built the town of St. Andrews on the Eastern Bank thereof; and in fact it is the only River on that side of the Province of either such magnitude or extent as could have led to the idea of proposing it as a limit between two large and spacious countries." . . .[19]

Following these letters there was much interchange of diplomatic correspondence between the governors. Congress was memorialized; British and American officials made claims and offered suggestions; complaints were filed and the inhabitants on the frontiers were in a state of constant turmoil. No definite steps to settle the dispute were taken, however, until 1794, when the Treaty of Amity, Commerce and Navigation, commonly called the Jay Treaty, was concluded. Article V provided as follows:

"Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described; that question shall be referred to the final decision of commissioners to be appointed in the following manner, viz.:

"One commissioner shall be named by His Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the two said commissioners shall agree on the choice of a third; or, if they cannot so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original Commissioners. And the three Commissioners so appointed shall be sworn, impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British Government and of the United States. The said Commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a Secretary, and to employ such surveyors or other persons as they shall judge necessary. The said Commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the treaty." . . .[20]

By authority of this article of the treaty, King George III. appointed Thomas Barclay of Annapolis, Nova Scotia, as the British commissioner, and George Washington, President of the United States, appointed David Howell of Rhode Island as the American member.

Barclay was a native of New York, a son of Henry Barclay, D.D., an Episcopal rector. He was a graduate of King's College, 1772, and studied law under John Jay. He adhered to the English cause at the time of the Revolution and served in the British army. At the close of the war he settled in Nova Scotia and became a prominent figure in the politics

[19]Ibid, p. 95.

[20]"Treaties and Conventions," etc.; supra; Vol. I, p. 593.

of that province. Howell was a graduate of Princeton, 1766, a leader of the Rhode Island bar, member of the Continental Congress, Attorney-General of his State, and appointed a judge of the Supreme Court. The two commissioners selected as the third member Judge Egbert Benson, of New York. At the time of his selection he was a member of the Supreme Court of his State. He, like Barclay, was a graduate of King's College, 1765, and in 1777 became the first Attorney-General of New York. A most able commission, in which, if numbers count, the United States had an advantage, as it was composed of two Americans to one Englishman.

The American agent appointed to represent the United States before the commission was James Sullivan, then Attorney-General of Massachusetts. He had before been a judge of the Supreme Court of Massachusetts and member of the Continental Congress and afterwards was Governor of the Commonwealth.

Ward Chipman, the agent appointed to represent the Crown, was a native of Massachusetts and a graduate of Harvard, 1770. He was then Solicitor-General of Nova Scotia, and afterwards was Chief Justice and President of the Province.

Edward Winslow, the secretary of the commission, was also a native of Massachusetts, a graduate of Harvard, 1765. The agents on both sides had able assistants and surveying parties.

As directed by the article in the treaty under which they acted, the two original commissioners met first at Halifax. This was in August, 1796. The only business transacted at this meeting was the selection of Judge Benson to act as the third member of the commission. They adjourned to meet at St. Andrews, where, on September 25, they were met by Judge Benson. They were sworn and perfected their organization October 4.

The party then viewed the two rivers, the Scoodic and Magaguadavic, claimed by the English and Americans respectively, as the boundary river, took the testimony of a number of Indians regarding their traditions as to which was the true St. Croix, also those of some of the white settlers of the locality as to which river had been called, locally, by that name. Finding that full surveys would be necessary to a proper understanding of the case of either side, the commission adjourned until August, 1797, to give opportunity for these to be made.

On the eleventh of the above named month they reassembled at Boston, and then the lengthy arguments and claims on the one side and the other were presented and filed, together with many depositions and maps. The claims of the two contending governments were then clearly set forth by their agents, although they had before been understood generally by the commission.

The claim of the United States to the Magaguadavic as the St. Croix of the treaty was ably contended for by Judge Sullivan. He based his claim almost wholly upon the fact that Mitchell's map was the one used by the

treaty-makers in 1783; that this map had the Magaguadavic marked as the St. Croix, and was the river adopted as the bound under that treaty. He also filed depositions, before referred to, which tended to prove that it was in fact the true St. Croix. Among these were the minutes of the survey made by John Mitchell in 1764, his deposition in connection therewith and other documents. He contended further, that even if it should be shown that the Magaguadavic was not the original St. Croix, it could not affect the finding of the commissioners, as it had been made the boundary by the use of the Mitchell map, marking the boundary thereon when the treaty was made.

Mr. Chipman, the British agent, contended for the Scoodic, that the St. Croix of Champlain had been the western bound of Nova Scotia since 1621, when granted to Sir William Alexander; that this was the river intended to be designated in the treaty; that the St. Croix of Mitchell's map was an error, and because that map happened to be used as a guide or a work of reference it in no way bound the two nations to adopt mistakes which appeared on it. He contended for the Scoodic as the St. Croix of history, as conforming in every particular with the description accorded it by Champlain.

Judge Sullivan relied much upon the testimony that he expected would be given by John Adams, then President of the United States, and John Jay, the two living members who represented the United States in concluding the Treaty of Paris.

So the first question to be decided by the commissioners was, whether or not the St. Croix as laid down on Mitchell's map was made the bound by the treaty irrespective of the question that it might or might not be an error of the map-maker. A reference to the words of the treaty gave no evidence favorable to this construction; the terms there used being, "East, by a line to be drawn along the middle of the River St. Croix, . . ." naming the river, with no reference to any map or plan. So, if the Magaguadavic was to be adopted so as to preclude the Scoodic, in the event that the commissioners should be convinced that the latter river was the true St. Croix, it must be done by evidence extraneous to the treaty itself.

To obtain this evidence the commissioners, on August 14, 1797, proceeded to Quincy, Massachusetts, and took the testimony of President Adams. While his statements bore out the claim that the Mitchell map was the official one used and the boundaries of the United States were marked thereon by the framers of the treaty and considered to be the correct ones, yet, in answer to the question propounded by the commissioners: "Do you know whether it was understood, intended or agreed between the British and American commissioners that the River St. Croix as marked on Mitchell's map should so be the boundary as to preclude all inquiry respecting any error or mistake in the said map in designating the River St. Croix, or was there any, and if so, what understanding, intent or agree-

ment between the Commissioners relative to the case of error or mistake in this respect in the said map?"

His answer was: "The case of such supposed error or mistake was not suggested, and, consequently, there was no understanding, intent or agreement expressed respecting it."[21]

A deposition of John Jay was also filed in which he agreed with President Adams regarding the use of the Mitchell map, yet, he subjoined a statement:

"Whether that river was so decidedly and permanently adopted and agreed upon by the parties as conclusively to bind the two Nations to that Limit, even in Case it should afterwards appear that Mitchell had been mistaken and that the true River St. Croix was a different one from that which is delineated by that name in his Map, is a Question, or a Case, which he did not recollect nor believe was then put or talked of; for his own part he was of Opinion that the Eastern Boundaries of the United States ought, on Principles of Right and Justice, to be the same with the easterly Boundaries of the late Colony or Province of Massachusetts."[22]

These statements of Adams and Jay were a surprise and keen disappointment to Judge Sullivan, beyond any doubt. They took away the mainstay of his claim for the Magaguadavic as the river unqualifiedly adopted as the bound and the commissioners must have been then and there convinced that they must locate the true St. Croix; that no arbitrary river was intended.

Judge Sullivan persistently contended that, in addition to its being the river adopted as the boundary, the Magaguadavic was, in fact, the true St. Croix. To support his contention he introduced testimony of the settlers and Indians much the same as Surveyor John Mitchell had done in 1764. Mr. Chipman also had depositions from like sources that one Scoodic had formerly been known as the St. Croix.

Fortunately, the commissioners were not obliged to make a decision founded upon these conflicting statements. Probably all of the deponents were honest in making the statements they did, for, undoubtedly, both of the rivers had at various times in the past been called St. Croix, and the different witnesses stated that which they believed to be correct. Part of them had heard the Magaguadavic so called, others the Scoodic.

When the commisisoners visited the Passamaquoddy country in 1796, they had not then had access to Champlain's work and maps. Soon after, Mr. Chipman sent to England for them and, in the summer of 1797, placed them in the hands of Judge Robert Pagan of St. Andrews, directing him to make a search by the aid of these documents and report how the topography of the country at the mouth of the Scoodic compared with the relation of Champlain and conformed to his maps and plans published in 1613. The

[21]Burrage's "St. Croix Commission"; supra; "Me. Hist. Coll." Series 2, Vol. VI, p. 236.
[22]Ibid, p. 236.

results of Judge Pagan's investigations can best be told in his own words, given in his deposition.

"Robert Pagan declares that having obtained a plan of St. Croix Island said to have been published in Paris Anno 1613, and having compared it with the shore, coves, and points, of the Island laying a few miles below the mouth of the Scudiac River at the Devil's head, commonly called Doceas Island, and also with the shore &c, of the main land westward and eastward of it as laid down in that plan, and having found a most striking agreement between every part of these shores, coves and points and that plan.

"He on the 7th day of this instant July went to said Doceas Island accompanied by William Cookson, Thomas Greenlaw, Nehemiah Gilman and John Rigby for the purpose of making further discoveries there.

"On the north end of said Doceas Island where in the plan above mentioned the French buildings are laid down, he found four distinct piles of ruins agreeing in their situation and distances from each other with the spot at A as laid down in that plan, and these four piles of ruins are directly abreast of the long sandy point at low water in said plan.

"On examining these piles he found them considerably raised above the general level of the ground around them, some parts of them covered with the roots of trees and windfalls, and all of them with mould and rotten leaves from six to eighteen inches deep.

"On further examining he discovered distinctly several tiers of stone in each of the piles, laid in clay mortar one on the top of another. The clay is perfectly distinct from the stone, and of the usual thickness (between the tiers of stone) of mortar made use of in laying stone or brick at this day. In some parts of these ruins the clay is as soft and perfect as if newly dug out of a pit, and in other parts it appears as clay does in chimneys where fire has been, and there are evident marks of fire on the stones in many places.

"In digging he found charcoal in a perfect state only it was easily crumbled to pieces in handling, he also found part of a stone pitcher in full preservation.

"On one side of one of the piles he discovered a number of bricks so laid together as to convince him that a large oven had formerly been built there. All these bricks are in a tolerable state of preservation.

"He further declares—that on the 18th day of this instant July being at said Doceas Island on a party of pleasure with a large company, part of the company went with him to view ruins above described, and on further examination in presence of John Brewer, Esq., The Rev. Mr. Andrews, Danile McMasters, Esq., John Campbell, Donald McLauchlan, Donald Grant, William Pagan and Thomas Pagan, he uncovered another pile distinct from the piles found on the 7th inst., which they found to be laid in clay mortar with tiers of stone in the same manner as the first four piles are laid.

"In digging with a spade for a few minutes near one of these piles they turned up a metal spoon, a musket ball, a piece of an earthen vessel, and a spike nail, all of which bore evident marks of having laid a long time under the surface.

"He further in presence of these gentlemen discovered on that part of the island agreeing with the spot on the plan between A & B a ledge of rocks extending from the middle of the island towards the shore on each

side a considerable breadth, in many places the rocks are some height above the surface, and in other places is lightly covered with earth and leaves."[2]

"July 20, 1797."

The ruins were also examined by Thomas Wright, surveyor-general of St. John Island (now Prince Edward's), and by Samuel Webber, afterwards president of Harvard College, both of whom reported that beyond doubt the ruins were those of de Monts' settlement.

This evidence must have convinced the commissioners that the Scoodic was the true St. Croix, and that that river must be fixed as the boundary. But this by no means ended their labors, for then the contest centered itself on the questions of where is the mouth of the river and where its source; two locations which must be determined in order to fix the exact boundary under the terms of the treaty.

At the Boston meeting of 1797 it was found that the surveys could not be completed for a number of months, so an adjournment was made to meet at Providence, Rhode Island, in June, 1798. When that date arrived the surveys were not then completed and another adjournment was had to the following September. At this meeting lengthy arguments were made by both agents. Judge Sullivan still holding to his original ground that the Magaguadavic was the boundary fixed by the treaty, yet, probably, with little hope of convincing the commissioners, in view of the evidence before them. The real issue then was to fix the source of the St. Croix.

The British agent contended for the western branch, on the ground that it was this branch referred to in Sir William Alexander's patent, ". . . St. Croix, and to the furthest source or spring, which first comes from the west . . . ," and further that this western branch was the principal one, having always borne the name Scoodic. The American agent claimed the eastern, or more properly called the northern branch, named Chiputneticook, interpreting the words of the Alexander charter to mean the most remote water entering from the west.

The next problem to solve was what is the actual source; whether where the river emerges from the lake, or should the line be carried up through the lakes which feed the river to the most remote water which finally becomes a part of the river. After some debate all of the commissioners apparently agreed that the source of the river was where it issued from the lake. Colonel Barclay, the British commissioner, and Judge Benson, one of the American, agreed upon the Scoodic branch (western) as being the one which conformed to the ancient and historic descriptions, but Judge Howell utterly refused to concur with them in this finding, and for a short time it seemed certain that majority and minority reports would be filed.

[2]This deposition is printed in Kilby's "History of Eastport and Passamaquoddy," p. 124.

However, this unsatisfactory feature was averted, for, after the surveys were completed and the maps of them prepared, it was discovered that extending a line northward from the outlet of the first lake on the western branch of the Scoodic would make a boundary unsatisfactory to both governments. It would interfere with previous grants made by Massachusetts, and concurred in by Nova Scotia and New Brunswick. So a boundary of convenience was established by compromise, selecting the Chiputnaticook branch and the extreme or "furthest sources or spring" of it as the spot upon which to erect a monument of boundary. On October 25, 1798, the commissioners made their award:

"Declaration: By Thos. Barclay, David Howell and Egbert Benson, Commissioners appointed in pursuance of the fifth article of the treaty of Amity, Commerce and Navigation between His Britannic Majesty and the United States of America finally to decide the question 'what River was truly intended under the name of the River St. Croix mentioned in the Treaty of Peace between His Majesty and the United States and forming a part of the Boundary therein described.'

"Declaration: We the said Commissioners having been sworn 'impartially to examine and decide the said Question according to such evidence as should respectively be laid before us on the part of the British Government and of the United States,' and having heard the evidence which hath been laid before us by the agent of His Majesty and the Agent of the United States respectively appointed and authorized to manage the business on behalf of the respective Govt. Have decided and hereby do decide the River hereinafter particularly described and mentioned to be the river truly intended under the name of the River St. Croix in the said Treaty of Peace and forming a part of the Boundary therein described, that is to say; the Mouth of the said River is in Passamaquoddy Bay at a Point of Land called Joe's Point about one mile northward from the northern part of Saint Andrews Island, and in the latitude of 45 degrees 5 minutes and 5 seconds north, and in the longitude of 67 degrees 12 minutes and 30 seconds west from the Royal Observatory at Greenwich in Great Britain, and 3 degrees 54 minutes and 15 seconds east from Harvard College or the University of Cambridge in the State of Massachusetts, and the course of the said River up from its said mouth is northerly to a point of land called the Devil's Head then turning the said point is westerly to where it divided into two streams the one coming from the northward having the Indian name of Chiputnatecook or Chibnitcook as the same may be variously spelt then up the said stream so coming from the northward to its Source, which is at a stake near a Yellow Birch Tree, hooped with iron and marked S. T. and J. H. 1797 by Samuel Titcomb and John Harris the Surveyors employed to survey the above mentioned stream coming from the north-ward, and the said River is designated on the map hereunto annexed and hereby referred to as further descriptive of it by the letters A, B, C, D, E, F, G, H, I, K and L, the letter A being at its mouth, and the letter L being at its said source and the course and distance of the said source from the island at the confluence of the above mentioned Streams is as laid down on the said map north 5 degrees and about 15 minutes west by the magnet about 48 miles and one quarter.

"In testimony whereof we have hereunto set our Hands and Seals at

Providence in the State of Rhode Island the 25th day of October in the year 1798."

"Thos. Barclay (L. S.)
"David Howell (L. S.)
"Egbt. Benson (L. S.)

"Witness
Edward Winslow,
Sect. to the Comm'."

As we are now well into the second century since the determination was made, the justness and propriety of the award seems well established. Time has healed the differences and all traces of bitterness have been effaced. It is coming to be believed that that which was selected as a compromise was, in fact, the correct solution and determination of the question. The Chipuntaticook is the longer and more important branch of the Scoodic and the extreme source of it the more probable point intended in the grant to Sir William Alexander to commence the running of the "straight imaginary line . . . running towards the north," as it extends much farther into the interior.

The decision of the commissioners seems to have given general satisfaction at the time of its rendition; the early Maine historical writers such as Greenleaf and Williamson make no unfavorable comment or even hint that the award was other than correct and just. That the award was satisfactory to Judge Sullivan and the American members of the commission, we have evidence in their letters written at the time of and soon after the determination of the matter. Judge Sullivan said:

" . . . But, as the English government has granted the lands as far west as the north branch of the Schoodiac, as there are difficulties of a public nature in the country, and our situation in regard to the English is critical, I should not be uneasy at a unanimous result that the Schoodiac is the St. Croix intended, and that the lake from which the north branch issues is the source. The quantity of land between the Magaguadavic and the Schoodiac north branch is about two million acres, and has been granted by the English government. The lakes from which the Magaguadavic and Cheputnaticook issue respectively are but nine miles apart. The strip of land between lines drawn due north from these sources to the highlands is not considerable. . . ."[24]

Also:

"Why shall not all the nations on earth determine their disputes in this mode, rather than choke the rivers with their carcasses, and stain the soil of continents with their slain? The whole business has been proceeded upon with great ease, candor and good humor."[25]

Judge Howell wrote:

[24]Amory's "Life of James Sullivan," pp. 328-330.
[25]Amory's "Life of James Sullivan," quoted in Moore's "Digest of International Arbitrations," p. 17.

"It must be allowed that there is room for debate and for a diversity of opinion on this question, whether the source of the north branch is at the first lake, or where we have fixed it, and this, being a matter of judgment, was a subject of accommodation. I considered it as a fortunate circumstance that all the claims of individuals are quieted; and the satisfaction expressed by both agents, gave reason to hope that the parties more immediately interested would readily acquiesce in our result."[36]

Rev. Henry S. Burrage in his article, "The St. Croix Commission," sums up the general consensus of opinion of the historians of today: "Both however, waived their own opinions, and, as a matter of accommodation to the settlers who had received grants of land from Massachusetts, agreed to make the award, making the source of the St. Croix the northernmost source of the Chiputneticook. . . . It is doubful if a more satisfactory award could have been made."[37]

THE ISLANDS.

The commissioners were urged to make a decision regarding the islands of Passamaquoddy Bay, the title to which had long been in dispute. This they declined to do on the ground that they had no authority under the terms of their appointments, and a careful reading of the fifth article of the Jay Treaty sustains their position. Their authority seems to have ended when they had determined what river was the St. Croix and particularized its mouth and source. As they located the mouth far above the islands about which there was dispute between the governments of Great Britain and the United States, this vexed question was still in as unsettled a condition as before.

To look back to the terms of the 1783 treaty, it will be noted that it comprehended within the domains of the United States all the islands lying within twenty leagues of the shores, within the limits of certain lines there described. Without discussing these lines or the reasons for their being established, it is sufficient to state that they would bring all the Passamaquoddy Bay islands, including Grand Manan, within United States territory, were it not for the words "excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia."

Both governments claimed all of the islands. England, on the ground that they were within the limits of ancient Nova Scotia as the bounds were recited in Sir William Alexander's grant of 1621; that ever since there had been a continuous claim and exercise of jurisdiction over them. Hence, though the islands were within the limits of the United States according to the treaty terms, yet they all came within the provisions of the exception.

Massachusetts claimed that Nova Scotia became merged with that province under the Bay Charter of 1691, and all the islands then became

[36] Amory's "Life of James Sullivan," p. 332.
[37] "Collections Maine Historical Society"; Series 2, Vol. VI, p. 249.

her property and the title to them never since had been relinquished; that the Nova Scotia of 1783 was not identical with the Nova Scotia of 1621. But both governments seemed to rely more upon actual possession of the islands than upon constructions to be put upon words in treaties. Both made strenuous efforts to advance their claims in this direction.

Immediately after the close of the Revolution, Massachusetts laid claim to these islands and, in 1784, under the direction of the Eastern Lands Committee, Rufus Putnam surveyed Moose (now Eastport), Dudley and Fredericks Islands. Dudley Island was soon after sold to Colonel John Allan, who settled there.

There were constant clashes upon the question of jurisdiction over Moose Island between the United States and New Brunswick authorities. The provincial officials attempted to enforce their claim by summoning jurors, serving processes and passing laws affecting the islands; Massachusetts proceeded in much the same manner. The poor habitant was constantly harrassed from the one side, then the other. The settlers of Moose Island adhered to the jurisdiction of the United States and recognized the government of Massachusetts.

For the two years, 1796-1798, during which the commissioners acting under the Jay Treaty were attending to their duties, all action upon either side was suspended. However, as soon as the declaration of those commissioners was filed and it was known that no attempt had been made by them to assign the islands, the former quarrel was renewed with all its intensity.

New Brunswick, the new province erected from old Nova Scotia territory, claimed the western shore of Passamaquoddy Bay as her bound and previously, in 1785, had established the county of Charlotte, in which she included Moose, Dudley, Fredericks, Deer, Campobello and Grand Manan Islands.

Under the existing conditions treaty negotiations were opened between Great Britain and the United States. In 1803 a convention was concluded, signed by Rufus King, the American Minister, and Lord Hawkesbury, the British, making the line of boundary as follows:

"The line hereafter described shall and hereby is declared to be the boundary between the mouth of the river St. Croix and the Bay of Fundy: that is to say, a line beginning in the middle of the channel of the river St. Croix, at its mouth, as the same has been ascertained by the commissioners appointed for that purpose; thence through the middle of the channel between Deer island on the east and north, and Moose island, and Campo Bello island on the west and south, and round the eastern point of Campo Bello island to the bay of Fundy; and the islands and waters northward and eastward of the said boundary, together with the island of Campo Bello, situated on the southward thereof, are hereby declared to be within the jurisdiction and part of His Majesty's province of New Brunswick; and the islands and waters southward and westward of the said boundary,

except only the island of Campo Bello, are hereby declared to be within the jurisdiction and part of Massachusetts."[28]

This treaty failed of ratification by the United States Senate and the troubles still continued. In 1805 an American ship was seized by the British authorities, charged with illicit trade in English territory at Passamaquoddy Bay.

December 31, 1806, James Monroe and William Pinkney, in behalf of the United States, concluded another treaty with the British government, an article in which fixed the boundary line in practically the same words as did the King Treaty. President Jefferson did not submit this treaty to the Senate as many of its other provisions were not to his liking and we were gradually drifting into strained relations with Great Britain.

No further proceedings were had on the part of either government to determine the water boundary and settle the title to the islands. So the matter continued until the war of 1812. During the period of this conflict the situation on the border was, perhaps, more quiet than before the commencement of hostilities; that is, in so far as it related to the dispute regarding the title to the islands. On the whole, the subjects of the two nations were on a friendly footing along this frontier and no hostile acts were committed on either side. A small garrison of soldiers was stationed at Eastport during the war, but their principal activities were directed towards the suppression of the smugglers' trade.

After the friendly offer of mediation by Russia had finally resulted, in January, 1814, in the appointment of peace commissioners to treat with Great Britain, and those commissioners were on their way to Ghent, a British squadron appeared off Moose Island on July 11, 1814, and demanded the immediate surrender of the fort at Eastport. The garrison was in no condition to offer resistance and, at the earnest request of the inhabitants, to save the town from bombardment, Major Putnam, the commander, surrendered. The British then landed troops and took complete possession of the place. The citizens were then informed that this was done, not for purposes of "capture," but to "restore" Moose Island to British possession where it rightfully belonged. This possession continued for four years, or until the determination of the disputed titles by commissionors appointed by authority of article IV, of the treaty of Ghent.

The article above referred to provided for the appointment of two commissioners, one by each government, to settle the claims to the islands in Passamaquoddy Bay, also to Grand Manan in the Bay of Fundy, which, as the treaty recited, were claimed by both nations. The decision was to be final.

Article I of the treaty provided that the islands should remain in the possession of the party occupying them at the time of the ratification of the treaty until the award of the commissioners should be made.[29]

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[28] "American State Papers," Vol. II, p. 584.

[29] See "Treaties and Conventions," supra, Vol. I, page 612, for the full text of the treaty.

The British agent was Thomas Barclay, who so ably represented his government on the St. Croix commission.. Ward Chipman was again appointed agent to present the case in behalf of England. These appointments brought to the English side of the cause the two men of all the kingdom best equipped to handle the matter. Their previous experience, vast and intimate knowledge of the subject matter acquired in connection with the St. Croix commission, gave their government an advantage that is at once apparent. Mr. Chipman had associated with him his son, Ward Chipman, who was appointed joint agent.

President Madison appointed as the American member, John Holmes of Alfred, Maine, a prominent lawyer and politician, who afterwards, from March 4, 1817, to March 15, 1820, was a member of Congress from Massachusetts. He was also one of the first Senators from the State of Maine in 1820.

The United States agent was James T. Austin, a leading member of the Massachusetts bar and afterwards Attorney-General of Massachusetts. Mr. Anthony Barclay, son of the British Commissioner, was the secretary of the commission.

The first meeting of the commissioners was held at St. Andrews, September 22, 1816. A small amount of routine business was transacted and they then adjourned to meet at Boston, May 28, 1817. At the Boston meeting the full memorials of both agents were presented, setting forth the claims of the two nations on the grounds indicated on a previous page.

Mr. Chipman presented evidence in support of his contention, showing that Nova Scotia had made grants of the island territory and exercised jurisdiction over them many years since the inclusion of them in the Massachusetts Bay Charter of 1691. All of which, he declared, was done under the authority of the 1621 charter. He showed that grants had been made of Campo Bello and Deer Islands in 1767 and of Moose Island in 1765. Courts had been established at Campo Bello and St. Andrews which had exercised jurisdiction over Moose Island and others in the bay.

Mr. Austin contended, in his long argument of 459 pages, for the invalidity of the Alexander grant, the merger of the islands with Massachusetts territory in 1691 and that no surrender of them had since been made.

After listening to the arguments the commission adjourned to September 25. On the last named date rejoinders were filed by the agents which presented no new information or evidence, but both agents desired a further hearing. This request the commissioners denied. On November 24, 1817, they filed their decision and declaration. The declaration is as follows:

"New York, November 24, 1817.

"SIR: The undersigned Commissioners, appointed by virtue of the fourth article of the treaty of Ghent, have attended to the duties assigned them; and have decided that Moose Island, Dudley Island, and Frederick

Island, in the Bay of Passamaquoddy, which is a part of the Bay of Fundy, do each of them belong to the United States of America; and that all the other islands in the Bay of Passamaquoddy, and the Island of Grand Menan, in the Bay of Fundy, do each of them belong to His Britannic Majesty, in conformity with the true intent of the second article of the treaty of peace of one thousand seven hundred and eighty-three. The Commissioners have the honor to enclose herewith the decision.

"In making this decision it became necessary that each of the Commissioners should yield a part of his individual opinion. Several reasons induced them to adopt this measure; one of which was the impression and belief that the navigable waters of the Bay of Passamaquoddy, which, by the treaty of Ghent, is said to be a part of the Bay of Fundy, are common to both parties for the purpose of all lawful and direct communication with their own territories and foreign ports.

"The undersigned have the honor to be, with perfect respect, sir, your obedient and humble servants,

"J. HOLMES.
"THO. BARCLAY.

"The Hon. JOHN QUINCY ADAMS,
Secretary of State."[20]

It will be seen at a glance that the award was a compromise, pure and simple. It is doubtful that an award which would have been satisfactory to either government could have been made on any other basis. But, when the commisisoners arrived at this point in their deliberations, when it was discovered that a compromise award *must* be made, then it was that the superior ability and experience in diplomatic affairs of the British commissioner and agent had its telling effect.

The natural boundary would have been the water-way, and this is on the eastern side of Campo Bello. This island is separated from the mainland of the State of Maine by a narrow and shallow channel and in every geographical sense belongs to this state. The claim of Nova Scotia to Grand Manan was very shadowy and remote, but from a strategetic point of view it was highly important to England, as it commands the entrance to the Bay of Fundy. In order to secure it they surrendered to the United States, Moose, Dudley and Fredericks islands, to which their right was much clearer. Undoubtedly, had we been as ably represented in the proceedings as was Great Britain, Campo Bello today would be United States territory.[21]

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[20]"Treaties and Conventions," etc., supra, Vol. I, p. 619.

[21]Letters of Mr. Holmes were afterward published which showed that the American commissioner was extremely anxious to conclude the arbitration that he might take his seat in Congress without delay. Mr. Holmes claimed much credit for skillful diplomacy in saving Moose Island, whose population was American, for the United States.

Chapter VI

SEPARATION FROM MASSACHUSETTS

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SEPARATION FROM MASSACHUSETTS.

Immediately after the close of the Revolution, the question of the separation of Maine from Massachusetts and the erection of the District into an independent State was freely discussed among all classes of society. In 1784 the Falmouth *Gazette,* the first newspaper in Maine, was established, for the purpose, according to Williamson, of advocating separation. For about a year, from late in 1784 to the fall of 1785, the paper was filled with articles on the question. Mr. Daniel Davis, who took part in the movement but who appears to have been glad later that it did not succeed, said in an article on the subject written for the Massachusetts Historical Society in 1795:

"Clergymen, physicians, lawyers, and farmers seemed engaged in accelerating the event. They all employed both their pens and their private influence, in convincing their fellow citizens of the propriety and advantages of becoming a distinct member of the Union.

"At the time I now speak of there were also a number of respectable opposers of this measure. These, generally speaking, were either those gentlemen who were concerned in trade, and feared an interruption in their commercial connections, or such as held office under the government, and feared the consequences of a new appointment. In this, as in most other cases of political experiment, the opinion of each party was decided by a prospect of their own, rather than the public interest. To this, however, there were doubtless some exceptions."

The discussion was quiet and gentlemanly. Some of the leaders in the separation movement were also leaders in Federalism and "good society," they were in general sympathy with the views, political and other, of the influential men in Massachusetts proper, and they had no wish to quarrel with them or to abuse the government of what was, after all, their own State. The mass of the people were at first indifferent, and when their interest was aroused they did not, at least for a time, display more than what Davis calls "moderate zeal." The union with Massachusetts might cause them inconvenience, but they were not oppressed. After the discussion had continued for months, it was felt that some action ought to be taken to secure a decision of the question, but how was this to be done? The District had neither a legislature nor executive of its own, and in that modest age "individuals were averse to any active step lest they should be considered officious." At last some gentlemen summoned courage to procure the insertion of the following notice in the Falmouth *Gazettes* of September 17 and October 1, 1785: "Agreeably to a request made and signed by a large and respectable number of persons to the printer of this *Gazette,* the inhabitants of the three Counties of York, Cumberland and Lincoln are hereby notified that so many of them as are

inclined or can conveniently attend, are requested to meet at the Meeting House of the Revd. Messrs. Smith and Deane in Falmouth, on Wednesday, the fifth day of October next, to join in a conference then and there to be held on the proposal of having the said counties erected into a separate government; and, if it should be thought best, to form some plan for collecting the sentiments of the people on the subject and pursue some orderly and regular method of carrying the same into effect."

Thirty-three gentlemen, residents in about equal proportion of the three Maine counties of York, Cumberland and Lincoln, answered the call. They organized by choosing William Gorham of Gorham as president and Stephen Longfellow, Jr., of the same town, as secretary. A committee of seven, of which General Wadsworth was chairman, was appointed to draw up and dispatch a circular to all the Maine towns and plantations, requesting them to choose delegates to a convention to be held at Falmouth on the first Wednesday of January, 1786, to deliberate on the subject of a separation, "and if, after mature consideration, it should appear to them expedient, to pursue some orderly and regular method of carrying the same into effect." Whether a separation was wise or not, the measures taken to obtain it were certainly moderate, peaceable and lawful, but the authorities in Massachusetts seem to have regarded them as almost treasonable. Governor Bowdoin, by the unanimous advice of his Council, brought the movement to the attention of the Legislature. He described it as "a design against the Commonwealth of very evil tendency, being calculated for the purpose of effecting the dismemberment of it." The General Court replied that "attempts by individuals or bodies of men to dismember the State are fraught with improprieties and danger." The Legislature even appointed a joint committee of both houses to bring in a bill declaring the allegiance due to Massachusetts by its inhabitants, describing acts which amounted to a renunciation of such allegiance, "and so constructed as most effectually to secure the Commonwealth against the ill consequences of any attempt to dismember the same." The committee, however, appears to have made no report.

Unterrified by the threatening from Boston, a convention met at Falmouth on the first Wednesday in January. Messrs. Gorham and Longfellow were again elected president and secretary, and a committee was appointed to examine the credentials of the delegates. Probably, in most cases, their work was merely formal, but there was room for grave doubt if any persons were authorized to act as representatives of Falmouth, the principal town in the district, and the meeting place of the convention. The people of Falmouth had duly chosen delegates and had appointed a committee to draw up their instructions. But when they had again convened to hear the report of the committee, they reconsidered the matter and adjourned. One of the men who had been chosen at the first meeting took his seat. The convention not only accepted him as a member, but

voted that the other persons elected at the same meeting had a right to seats, and appointed a committee to inform them of this decision.

A question also arose as to the method of voting. Twenty towns were represented in the convention. Falmouth and Fryeburg had five delegates each, Gorham three, the other towns one or two. The sole delegate from Scarborough moved that the voting be by towns, but the convention decided that each delegate should have a vote.

A committee of nine was appointed to draw up a statement of grievances. Their report has been admirably summarized in an article, "The Separation of Maine from Massachusetts," written by Mr. Edward Stanwood for the Massachusetts Historical Society. He says

"The grievances reported by the committee were nine in number (1) That the interests of the two communities were different, and that Massachusetts did not understand, and therefore could not promote, those of Maine; (2 and 3) the distance of the seat of government, and the consequent inconveniences; (4) the expense of obtaining justice, since all the records of the Supreme Court were kept in Boston; (5) the unjust and unequal operation of the regulations of trade, which depressed the price of lumber, the chief industry of Maine; (6) the denial of representation in the House of Representatives to 'a great part of the inhabitants of these counties'[1]; (7, 8 and 9) an unjust system of taxation of polls and estates, an undue burden by reason of the excise and impost acts, and the unequal incidence of the tax on deeds, on account of the smaller value of land conveyed and its more frequent conveyance."

The committee had also been directed to submit an estimate of the expenses of the proposed State compared with the expenses other than local borne by the District. They reported that they had examined the constitutions of the several States, and that a State government might be established that would save much expense to the District, "But not knowing what form of government the people would choose, in case of a separation, they have not thought proper to report any estimate thereon."

The convention accepted the report of the committee and added a recommendation that, as a full representation in the General Court was supposed to be the best way to obtain a redress of grievances, all the towns should take care to send representatives to the next session. The convention directed that the report and the supplementary recommendation be sent to the towns and plantations, and that they be requested to choose delegates at the March election or other convenient time, to another convention to be held at Falmouth on the first Wednesday of the following September, "to consider the grievances the inhabitants of Maine labor under, and adopt and pursue some orderly and peaceable measures to obtain relief." The inhabitants were also requested to certify the number of votes cast for and against a choice of delegates.

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[1]Many citizens lived in plantations and districts which were not organized, and therefore sent no delegates to the General Court.

The convention did not dissolve after issuing the call, but simply adjourned to the first Wednesday in September. On that day the two conventions assembled, many delegates being members of both. The natural course would have been for the first to have dissolved as soon as the second was fairly at work, but instead, the second elected the officers of the first as its own, and the two then coalesced. The united convention declared that it believed that the grievances set forth by the first convention were real grievances except the fifth, the one relating to trade, and appointed a committee of nine to consider the subject. The committee reported that there were other grievances which demanded the serious consideration of the convention, but that "they could not, at that time, 'undertake to enumerate the multiplicity of them.'" Then, going beyond the authority given by their appointment, they declared that the only remedy for their distresses was separation, and recommended that the convention present a petition for separation to the General Court, and at the same time issue an address on the subject to the people of Maine. The convention accepted the recommendation, and the papers were duly prepared.

The petition was a moderate and respectful document, stating that the people of Maine were loyal and law-abiding citizens of Massachusetts, but that owing to their separation therefrom by another State and their great distance from the seat of government, they labored under difficulties which they believed could be removed only by their erection into a separate State, and that they considered it a duty which they owed to themselves, to their brethren in the other part of the State and to the United States, to ask the General Court, "in a peaceful and dutiful manner to consent to the erection of Maine into a separate government." They also stated that "they do not entertain an idea of throwing off the weight of the public debt,—or to prevent the other part of the Commonwealth from having their just proportion of the unappropriated lands; but, like friends and brethren, most ardently wish to have all matters adjusted upon the broadest basis of "equity and fair dealing."

The address to the people was a sterner document, some of the language used being ultra-democratic, if not, in the circumstances of the time, almost revolutionary. The address stated that two conventions had carefully considered the subject of separation. "You feel yourselves distressed," it continued "and your distresses will increase until you legislate for yourselves. In this there is no great difficulty. Government is a very simple and easy thing. Mysteries in politics are mere absurdities—invented entirely to gratify the ambition of princes and designing men—to aggrandize those who govern at the expense of those who are governed."

The difference in tone and spirit between the petition and the address was probably due, in part at least, to very serious differences in the convention itself. The movement for separation was originally a moderate and conservative one. Stephen Longfellow, the secretary of the Falmouth

conventions, was afterward a Hartford Convention Federalist, but now the "Democrats," the Populists of their day, were showing themselves extremely zealous for the division of the State. It was the time of Shays' rebellion in Massachusetts proper. The people were burdened with taxes and with debts, many of which had fallen into the hands of speculators and were being pressed for collection in a very harsh manner. The farmers held conventions, demanded a reduction of the fees of lawyers and of the salaries of officials, a reorganization of the government and of the courts of common pleas, paper money, and even laws postponing the collection of debts. From remonstrances and demands they passed to acts of violence, prevented the holding of the courts by force, and at last rose in rebellion and made a somewhat half-hearted and wholly unsuccessful attack on the United States Arsenal at Springfield.

The moderate wing of the Maine convention was unwilling to further embarrass the government, and succeeded in passing a vote "that as there has been a number of respectable towns in the counties of York, Cumberland, and Lincoln, that have not yet certified to this convention their determination of a separate State, and as the Commonwealth in general is at this time in a perplexed state, and this convention being unwilling to do anything that shall seem to lay a greater burthen on the General Court, therefore it is the opinion of this convention to postpone petitioning for a separation at present."

But the radicals considered such forbearance mere foolishness, the throwing away of a golden opportunity to wring from the fears what they might be unable to obtain from the calm judgment of the General Court, and they induced the convention after "a long and acrimonious debate" and by a majority of two only, to reconsider. The radicals, however, were not able to secure a direct vote for presentation, the petition was left in the hands of a committee with authority to present it when they should see fit, and they did not do so for more than two years; meanwhile both convention and agitation had passed away, and the House of Representatives quietly tabled the petition.

The convention having issued the address and requested that a vote on separation be taken, and returns made to them, adjourned to the last Wednesday of January. It then appeared that only 970 of the citizens of the District had taken the trouble to vote at all; 618 of the votes were in favor of separation, and 352 against it. So small a vote was an almost fatal blow to the project, and the adoption of the United States Constitution of 1787 gave a new turn to the people's thoughts. The convention, which had adjourned until September 5, 1787, resolved to obtain another vote of the people but nothing was done. Mr. Stanwood thus describes the "lame and impotent conclusion": "There were five or six other adjournments, but the later meetings were attended by a steadily decreasing number of delegates. At the last meeting there were but three persons present, all from

Portland.[2] One of them was chosen president *pro tempore,* another as secretary, and the third moved that the convention adjourn. There was no one to second the motion and so, says Davis, "the convention expired, not only without a groan, but without a single mourner to weep over its remains."

But the convention, though it had seemed to accomplish nothing, was by no means resultless. It is very probable, as Davis points out, that the hope of obtaining a separate government kept the discontented in Maine from taking part in "Shays' Rebellion." Moreover, the Massachusetts Legislature, presumably in order "to cool the separation fever," promptly passed several acts for the benefit of Maine. "Wild lands were exempted from taxation for ten years after the execution of the State's deed to grantees. The fee-bill, so much the occasion of popular discontent, was revised. The law for the relief of poor debtors committed to prison, was so amended as to require rooms to be furnished them, separate from criminals. Two roads were ordered to be laid out at the public expense—one between the heads of the tide, in Kennebec and Penobscot rivers; and the other between Penobscot and Passamaquoddy bays. Every permanent inhabitant settled upon any of the public lands before the year 1784, the Legislature ordered to be quieted by a deed of one hundred acres, so as best to embrace his improvements, on his paying the trifling sum of five dollars. A term of the Supreme Court for the first time, and an additional term of the Common Pleas and Sessions, were established at Pownalborough (Dresden) in 1786, and in March of 1787 one term of the lower courts was established at Hallowell (Augusta), and one at Waldoborough. The Secretary of State was directed to publish the laws of the Commonwealth in the Falmouth *Gazette.*"

The friends of separation were not satisfied with these concessions, and in March, 1791, there appeared an address to the people of Maine by "a number of your Representatives" setting forth the advantages of separation.[3]

In 1792 a vote of the District on separation was taken by order of the Legislature. The number of votes in favor was 2084, opposed 2438.

In January, 1795, a convention of delegates of twenty towns and five plantations of the counties of York, Cumberland and Lincoln met and issued an address to the people of these counties proposing that they, not the whole district, be formed into an independent State. The convention said that it would not have acted so soon after the vote against separation in 1792 but for "a persuasion that the new form of the question will not be liable to the objections supposed to have influenced your votes on the former occasion." The convention also claimed that a new valuation which had been

[2]On July 4, 1786, Falmouth had been divided and the Neck incorporated as the town of Portland.

[3]A reply to the address in the form of an instruction to their representative in the General Court was adopted by the town meeting of Machias. It is too long for quotation here, but may be found in Drisko's "History of Machias."

made gave evidence that Maine was able to bear the expense of a separate State government. Replying to a claim that Maine did not have men of sufficient ability to manage her affairs should she become a State, the convention said, "abilities are the fruit not of a soil or climate, but of emulation. In a free republican government they will always appear when wanted; of which we offer no other proof but the present existence and prosperity of all the States in the American Union. It is scarcely necessary to add that uncommon abilities are not requisite to administer the government of a State since the adoption of the Federal Constitution, which vests all national concerns in the President and Congress of the United States."

It was urged that the change would not injure the counties of Hancock and Washington, that with them everything would go on as before except that the Supreme Court would try their cases in their own borders instead of in the county of Lincoln, and that they would have more time for these trials.

A serious objection to the separation of Maine was the effect which it would have on the coasting trade. Vessels passing between the ports of adjacent States were not obliged to enter and clear at the custom houses, but in going from non-contiguous States they were. While Maine was a part of Massachusetts, her coasters could go to Boston regardless of custom houses, but should she be independent she would no longer have the right, since New Hampshire separated her from Massachusetts. The convention pointed out that the present plan set off only the three western counties of the District ;that as Massachusetts would keep Hancock and Washington, she would still be contiguous to Maine, and therefore the coasting trade would be unaffected by the change.

Much stress was laid on the disadvantages in educational matters which Maine suffered by being a part of Massachusetts. Massachusetts required the towns to maintain schools, but the burden was too heavy for the poorer towns, and in Maine the law was very badly enforced. The convention said that were Maine a separate State, laws more suited to her condition could be passed, or the State might bear part of the expense of employing teachers.

Other arguments were adduced, and the convention desired the various towns to vote on the subject of separation and to report the result to its president, William Gorham, and adjourned to the third Wednesday of the following October. There is no record of any vote being taken. In 1797, however, a vote was taken by direction of the Massachusetts Legislature, and the District again decided against separation.

In 1803 sixty towns petitioned for separation[4] but nothing was done. During this year the first Republican paper in Maine, the *Eastern Argus,*

[4]Among the signers of a petition for separation were Stephen Longfellow, Jr., Ezekiel Whitman, Nicholas Emery, Peleg Chandler, Judah Dana, all of whom were later prominent opponents of the movement.

was established at Portland, and letters occasionally appeared in it on the subject of separation. On July 7, 1804, it published a letter from a correspondent, saying: "The time is certainly arrived when Maine should be an independent State in the Union. Will not some able pens be employed in freeing us from a dependence on a *Distant Territory,* whose capital seems to be devoted to corruption, degradation and ruin."

The year 1806 was, it will be remembered, one of intense political struggle, and some of the Republicans seem to have feared that their opponents were trying to circumvent them by raising a cry for Statehood. A letter of "Fair Play" in the *Argus* of May 2 asks, "Why is the old *threadbare* ditty of a *separation of Maine* from the parent State, called up at a time when so much important business is pending, unless to answer some Federal intrigue."

In 1807 a vote was again taken on the question of separation and it was defeated by an overwhelming majority.

In 1811 separation was quietly discussed by its friends, and one of them stated in a private letter that he believed that it could be carried by a united effort. But there was little done publicly. Rev. Mr. Cushman, a representative in the General Court, made a motion in regard to the matter, but General Chandler, who believed him to be a Federalist masquerading as a Republican, suspected that his real motive was to defeat it. Whatever may have been the intentions of Mr. Cushman there was some reason to fear that the pure Republicanism of Maine might be diluted by the poison of Federalism. General Chandler was long to be a power in the party, but the older leaders were giving way to younger men and four of them, all converted Federalists, were, with General Chandler, to form a sort of managing junto for some fifteen years. They were John Holmes, William King, Albion Keith Parris and William Pitt Preble. A brief sketch of these bosses of a century ago may be of interest.

General Chandler was a sturdy old Democratic war-horse. He was born in Epping, New Hampshire, in 1762. His father, a veteran of the French and Indian War, was a zealous patriot, and although when the Revolution came he was old and unfit physically to bear the hardships of military life, he joined the army and died in camp. His son enlisted when only fifteen, and served two terms in the army and one on board a privateer. During the latter he was captured and carried into Savannah, but made a daring escape and returned to New Hampshire on foot. At the close of the war he moved to Maine "at the head of a party of his neighbors and commenced a settlement in Wales, afterward incorporated into the township of Monmouth." He appears to have been "the first citizen" of the little settlement, "was plantation clerk and assessor before the town was incorporated, and was selectman and assessor many years after its incorporation, as well as town clerk. He was postmaster of Monmouth as soon as a postoffice was established there in 1794, his last commission

bearing date 1818. He assisted in taking the census of Maine in 1790, and was twice employed as revenue collector of the direct tax of the United States." "From the organization of the town in 1805 he represented it in the Legislature. Then he was sent to Congress. In 1808 he resigned his seat to become high sheriff of Kennebec county." The position of sheriff was a more distinguished one in those days than it is now, and at that time Kennebec had special need of an honest and resolute man as sheriff. It is said that the deputies of the former sheriff had practiced shameful extortions upon unfortunate debtors on whom they had writs to serve. There was also most serious friction between the settlers and the absentee proprietors, and combinations were formed to stop the service of writs and the running of lines by surveyors. Sheriff Chandler induced the people to cease opposition to the execution of legal process, but was unable to persuade the settlers who were in danger of ejectment to allow lines to be run.

Mention has already been made of Mr. Chandler's service as brigadier-general in the War of 1812. He took an active part in the separation movement, was made the first president of the Senate of Maine, and soon after was promoted to the Senate of the United States. He drew the short term of three years, but was reelected and served till 1829, when he resigned, perhaps because his reelection was doubtful, and accepted the position of collector of customs at Portland, which he held for two terms of four years each. He was offered the position of collector at Boston but refused it because a friend desired the place and because he believed that his own appointment would injure the party in Massachusetts." He declined a third appointment at Portland and withdrew from official life. His last years were spent in Augusta, where he died September 25, 1841, at the age of seventy-nine.

Though unfortunate in war, General Chandler had "a military spirit," which "bred in his blood and nourished by the heroic exploits of two wars, was the predominant trait of his character, and was indicated by his personal bearing, his stiff and erect form, and a somewhat brusque and abrupt manner of speech. Though he had seen the glories and honors of real war, he did not despise, but was rather fond of, the parade and drill which is a part of the training of a soldier. He was always active in maintaining the organization and discipline of the militia, and enjoyed and magnified the honors and offices, from the rank of ensign up to that of major-general, that had been successively conferred upon him.

"In the Legislature of Massachusetts and in both branches of the National Congress, in which he served, the measures in which he chiefly interested himself were military measures. While a Senator of the United States he succeeded in establishing a military arsenal at Augusta,—an expedient of much importance in reference to the frontier and exposed position of Maine,—and in building the military road from Bangor to Houlton. In this latter project he was able only partially to accomplish his design, which

was an opening of the road to the Madawaska river, by means of which the United States would have gotten early possession of the disputed territory and have hastened the settlement of the rich valley of the Aroostook."

In politics General Chandler was through life a strict Democrat. He hailed the election of Jackson as a triumph of the principles on which the welfare of the country depended. He would not compromise even to obtain legislation which he ardently desired. "He would not accept from the committee on public roads the boon of his military road to the eastern frontier as a measure of Whig policy, because the democracy of Jackson's time rigidly disclaimed the idea that the general government could carry on internal improvements within the States."

Mr. George F. Talbot in his paper on General Chandler, in the Collections of the Maine Historical Society,[8] from which the above account is largely drawn, says:

"It would be difficult to find among our prominent public men a single one whose career has been fuller of romantic adventure, varied fortune, privation and labor on one hand, and public honor and political and business success upon the other, or whose life has passed in more varied, useful, and conspicuous service. The orphan soldier when a mere lad, the naval hero suffering the horrors of a pestilent imprisonment, the pioneer settler battling for fortune with the snows and woods of a northern wilderness, the trusted military leader, the faithful executive officer, the judicial and impartial magistrate, the senator in the counsels of a great nation—he had acted in all these characters and filled all these public places, and left them with the confidence of his fellow-citizens and an integrity never questioned."

John Holmes was born in Kingston, Massachusetts, in March, 1773, graduated from Brown in 1796, and was admitted to the bar in 1799. Believing that Maine offered a good opening for energetic and enterprising young lawyers, he moved to the District and began practice in Alfred. The titles to land in that region were much disputed, and Mr. Holmes was employed by the great proprietors to enforce their claims against the squatters. Many delicate points were involved, and some important legal questions were settled by the decisions in these cases. Mr. Holmes obtained from them considerable practice, a good knowledge of the law of real estate, and as his clients, unlike the squatters, were men of means, substantial fees.

He also took an active part in politics, was twice elected to the Massachusetts General Court, and showed himself a vigorous Federalist. In 1810 he published verses accusing the Democrats of York of relying on rum to carry the county, and sharply satirizing some of their leaders. But by the close of the ensuing year the Federalist poet had become a Democrat. Willis, in his "History of the Law, the Courts and the Lawyers of Maine," says that the change was due to the impossibility of a Federalist obtaining

[8] Talbot, "General John Chandler," Coll., Me. Hist. Soc., I, 9, 167-178.

public office in either the town of Alfred or the county of York. The charge of political tergiversation was frequently made against Holmes. One of the nicknames given to him by his opponents was "the Duke of Summersetts." In 1813 the county of York sent him to the Senate of Massachusetts, where he led the opposition to the calling of the Hartford Convention, but it would seem that his course was not approved by his constituents, for he was defeated at the next election. In 1815 he was appointed on the British-American Commission to determine the ownership of the islands in Passamaquoddy Bay. In 1816 he was elected to Congress and was re-elected in 1818.

When Maine was admitted to the Union he shared with General Chandler the honor of being one of her first senators, and retained his seat, except for an interval of a single year, until 1833. By that time he had become a Whig, while Maine was Democratic; his intellectual powers were soon to diminish, and his days of leadership were over. He was, however, sent to the Legislature for two years by his faithful town of Alfred, and in 1841 President Harrison appointed him United States District Attorney for Maine, which office he held until his death, on July 7, 1843.

Mr. Holmes, though a man of national reputation, was a clever politician and advocate rather than a statesman or a jurist. His chief characteristic was his ready wit. He had few equals in keenness of repartee and power of ridicule. Indeed, his sense of humor was at times injurious to him. He could not resist an opportunity to tell a good story, and he would interrupt a legal argument to relate an anecdote, thereby weakening, or at least appearing to weaken, the closeness of his reasoning. Moreover, his wit, which he could not control, at times helped the other side. Willis says: "In his discussions at the bar, Mr. Holmes often carried the exercise of this talent too far for good taste and ultimate benefit to his client. To raise a laugh at the expense of an opponent is not always to gain a cause; he was yet very successful with the jury, and a popular advocate, and became and continued for several years the leader of the York bar."

Like many lawyers of his day, Mr. Holmes was intemperate, and he bore the marks of his excesses in his face.[6] A correspondent of the *Argus* called him "the Knight of the Carbuncle face," and the unhappy effects of his indulgence once exposed him to a crushing retort from a young man who was then entering the stage that Holmes was leaving and who was destined to play a greater part thereon, Hannibal Hamlin. Mr. Charles E. Hamlin says in his life of his grandfather:

"Holmes was a free lance in the House, and tried to domineer over it. Hamlin disputed the leadership with him, and Holmes attempted to crush his young opponent by coarsely ridiculing his swarthy countenance. In-

[6] In the latter part of his life, however, he took an active part in the temperance movement.

stantly Hamlin jumped to his feet, and, pointing his finger at Holmes, he retorted: "If the gentleman chooses to find fault with me on account of my complexion, what has he to say about himself? I take my complexion from nature, he gets his from the brandy bottle. Which is more honorable?" This fierce thrust at Holmes' unfortunate failing brought out a shout from the House. The fact was that the members were glad to see so brave a young David fell the Goliath of the House at one blow. There were cries of "Go on." Pointing his finger at Holmes, Hamlin continued: "I will also tell the member from Alfred that he is more conspicuous for trying to ride rough shod over young men than for trying to encourage them. He never extends a hand to them as they begin to toil up the rugged path of life; he has not even a kind word for them. But as long as they are true to themselves and to nature, and as long as the member from Alfred sticks to the brandy bottle, they need not fear him." The House cheered again, and Holmes, realizing that he had fairly brought down this fierce denunciation on his head, took the floor, retracted his words, and made a manly apology. Then there was peace."

The charge that Holmes wished to ride roughshod over young men, like that of intemperance, was well founded. He was a domineering man and it is probable that his nickname, "the Duke of Summersetts," referred to his arrogance as well as to his political changes. He was said to have declared that he could manage York county as easily as he could swing a cat by the tail.

In his private relations Mr. Holmes was more admirable than in his political life. He was a kind and affectionate husband and father, and a good neighbor. "As a townsman, he was exceedingly vigilant in promoting the interests of his fellow-citizens in the matters of education, internal improvements, and whatever related to their municipal interests. From the time he settled in Alfred, he never ceased his exertions until he procured all the courts of York county to be held in that place, which was finally accomplished in 1833.[1] He also succeeded in having the route of a railroad from Portland to Dover laid out through his adopted town, but failed in raising the means to complete it."

Another and perhaps the ablest of the little group of leaders soon to manage the politics of Maine was General William King, of Bath, a younger half-brother of Rufus King. "In his person, he was tall and of a striking figure; and with a finely formed head, strongly-marked features, high forehead, and black, impending brows, he had a natural and majestic air of command, which impressed every beholder with respect; and more especially when the General was arrayed in his military cloak of blue and red. . . . In a brief sentence his character may be summed up: If riding out on horseback for pleasure, he met a beggar asking alms, he would relieve him in a moment; but let him be in hot haste after some distant object, and the grand old General would ride over that very mendicant, nor cast a lingering look behind."

[1] It is said that this was part of a bargain which secured the removal of the capital of the State from Portland to Augusta.

Though his brothers Rufus and Cyrus graduated from Harvard and Columbia, William received a merely elementary education. It has been claimed that this was due to his father's being involved in financial difficulties. It has also been said that the reason was simply that he was intended for mercantile life and that it was thought that a business man had no concern with learning or culture, for him "the three R's" sufficed. To William King even this knowledge seems to have been imparted rather scantily, and in after years the general and governor was exposed to ridicule by his faulty grammar and spelling. This was the more unfortunate, as had the culture of his brother Rufus been joined to his own strength of character, he might well have played a great part in national affairs.

William King "began life" in a saw-mill, later he worked in a store at Portland and in a mill at Topsham, and by industry and frugality soon owned half a saw and afterwards a whole mill. After a while he formed a partnership with his brother-in-law, Dr. Benjamin Jones Porter, and opened a store which was conducted by Porter, King continuing his lumber business. Mr. King was one of the incorporators of the toll bridge crossing the river at Topsham. The first cotton mill in Maine was at Brunswick, erected in 1809, and King was one of the incorporators and one of the principal owners. While living at Topsham he built five vessels; from 1800 to 1815 he built four ships and five brigs at Bath, and was owner and manager of other vessels.

"When General King first came to Bath, in 1800, he opened a store in connection with Peter H. Green. He also had wharves and warehouses. He organized the first bank opened at Bath, of which he was president, having full control. He possessed much real estate in Bath and other parts of the State. Originally he owned the territory of what is now the town of Kingfield, in Franklin county, which was named for him. He was accustomed to visit his town once or twice a year, going up from Bath in a carriage with his family. He took great delight in Kingfield, where he had much land under cultivation. He owned the stone-house farm, some two miles from Bath, on the Brunswick road. It was originally built for a shooting lodge by a party of English sportsmen. It was notable for its large orchard of five hundred fruit trees of great variety, and on it were raised large quantities of potatoes for shipment to the West Indies.

"King began his political career in Topsham, at the early age of twenty-seven years, by representing the town at General Court in Boston in 1795 and 1796. In 1800 he was elected representative to the Legislature of Massachusetts from Bath, serving for three years; and (in) 1807 and 1808 was elected Senator to represent the Lincoln District." General King was a leader by nature, in military, civil, and citizen life; when appointed on a committee, King was the committee."

It is said that to his efforts was chiefly due the passage of the Better-

[1]Reed, "History of Bath," 328-336.

ment Act by which squatters, if disturbed, could obtain compensation for their improvements, or, if the owner preferred, a title to the land on paying its value before it was cleared. As in either case the value, if a dispute arose, was to be fixed by a jury of the neighborhood, the act was naturally very popular in Maine. Mr. King also took a leading part in the passage of a law exempting from taxation for the support of the minister of a town any one producing a certificate of membership in a religious society different from that of the minister. The Democrats rewarded King's services by the establishment of a new military district over which he was at once chosen major-general, although he had never held a military office. During the War of 1812 General King gave freely of his time and money in carrying out measures for the protection of the coast. Whether in other respects he was a wholly loyal citizen may be open to doubt. He was subsequently accused by his political enemies of violating the embargo and of trading with the enemy during the war. General King made a powerful defense, showed the unreliability of the witnesses against him, and charged his accusers with the same crimes of which they had attempted to prove him guilty. But before the Revolution, nearly every merchant was a smuggler, citizens of Massachusetts traded with the enemy during the Colonial wars with France, the embargo was generally violated, and the voyages of some of King's ships are suspicious. Perhaps the fairest verdict would be the Scotch one of "not proven."

King took a prominent part in the separation movement and was elected the first Governor of Maine. He resigned to become a Commissioner on the Spanish Claims, and from 1829 to 1834 held the collectorship at Bath. In 1835 General King accepted a nomination for governor by the Whigs, but was overwhelmingly defeated. This was his last appearance as a candidate for office, but he lived seventeen years longer, dying at the age of eighty-four. The story of the latter part of his life is a sad one; he experienced domestic troubles and financial reverses, and not only his body but his mind failed before the end. He died June 17, 1852, and "was buried with military, Masonic and civil honors, the Governor and distinguished officers being in attendance. He was interred in the old cemetery where the State placed a monument of granite to his memory, his wife resting at the same spot."

In 1854 a new county of which Bath was to be the shire town was erected, and it had been proposed that it be given the name of King. Men less intimately connected with the history of the State have been thus honored. A county had already been called after Samuel Waldo, the Louisbourg hero, and in 1860 a new county was named Knox.[8] But the Legislature of 1854 preferred to give its county the good old Maine name

[8]Maj.-Gen. Henry Knox had been owner of a large part of the lands of the Waldo patent, and the General had settled in Thomaston and built a handsome mansion there.

of Sagadahoc. Two noble monuments, however, have been dedicated to the memory of William King. The stately granite chapel of Bowdoin College bears his name, and in 1878 Maine placed a statue of him in the Statuary Hall of the United States Capitol. Some of her greatest sons took part in the presentation, and Hannibal Hamlin, James G. Blaine and Thomas B. Reed paid tribute to the character and abilities of Governor King and to his service to the State.

Another member of the ruling group of politicians, who succeeded King as Governor,[10] but who was the direct opposite to him in mind and character, was Albion Keith Parris. King was an able, vigorous, downright man. He never shunned a contest, and strove to bend all around him to his will; he was loved and admired by his friends and followers; feared, perhaps hated, by his opponents. Parris was more eminent for practical common sense than for learning or brilliancy, his sensitive nature shrank from the roughness and abuse of a hard political campaign; he was accused of avoiding responsibility, of refraining from taking a position until he knew which side was the stronger, and even of claiming credit for work that he had not done, and of laying on other shoulders the blame for his own action when that had proved unwise. Notwithstanding, or, perhaps, in part because of these qualities, he was "one of the most popular men that Maine ever produced. If there were wanting any evidence of this, it would be sufficient to cite the fact that more baby sons were named after him than for any other single person." (This statement was made before the nomination of Blaine for the presidency.) "Without brilliant talents or a large accumulation of knowledge, he proved himself equal to every office he was called to fill, and to every emergency which required his action. The secret of his success lay in his industry and close application to the duties of every office confided to him, his promptness and fidelity, his sagacity, his general suavity of manner, and an easy adaptation of himself to every situation; in short, it may with truth be said of him, that he faithfully and acceptably filled all the offices, however varied their duties, to which he was successively called."

At the time of his death the Kennebec *Journal* said: "Judge Parris was a man of good sound sense, urbane in his manners, patient and obliging in the duties of his office. He had no brilliant qualities, though he made a respectable judge. He had no enemies and enjoyed to an unusual degree the good will of all."

Nearly all his adult life was passed in public office. In 1806 he graduated from Dartmouth at the age of eighteen, and three years later was appointed county attorney of Oxford. He then served as representative and senator in the Massachusetts Legislature, and was twice elected to Congress. Before the completion of his second term he was appointed United

[10]King's immediate successor was William D. Williamson, but he was merely Acting Governor.

States judge of the District of Maine. He took a prominent part in the separation movement, was elected Governor in 1821, and was four times re-elected. Shortly after the expiration of his last term he was chosen United States Senator, but in a little more than a year resigned to become an Associate Justice of the Maine Supreme Court. In 1836 he was appointed Second Comptroller of the United States Treasury and held that office until 1849. In 1852 he was elected Mayor of Portland by the anti-Maine Law men, and in 1854 met with his only defeat at the polls, as the Democratic candidate for Governor. He had been nominated by the anti-prohibition Democrats in the hope that his popularity and the fact that he was a total abstainer would win back the men who had left the party on the temperance issue, but their regard for principle was too strong.

In 1857 Mr. Parris died suddenly from an affection of the heart which had troubled him for some time; had he lived but one year more he would have completed his three score years and ten. His life had been a long and, from his point of view, a successful one. Yet ambitious as Governor Parris doubtless was, he preferred a safe to a high flight. It is said that he sought the United States senatorship chiefly for the sake of the salary, his finances being impaired at the time, and he soon resigned one of the greatest prizes in American political life for a seat on the Maine bench, an office far inferior in dignity but superior in security of tenure.[11] This position, too, he left for a departmental place which paid a higher salary.

Governor Parris faithfully discharged the duties of the offices he held, he was also assiduous and skillful in his efforts to gain and keep them. A nervous supporter once wrote John Holmes, surely no novice in the ways of politics: "Do write those folks in York. Had you one-quarter the faculty of our friend P. (Parris) in that thing, you might stop their mouths at once."

A fifth member of the junto, William Pitt Preble, was as great a contrast to Parris as the latter was to King. Parris was a most successful office holder. All the other members of the ruling clique had great popular influence and held high elective office. Preble's nature was such as to repel rather than attract men. George F. Emery says in his "Reminiscences of Bench and Bar": "The impression left of him was that he was remarkable for the strength and vigor of his intellectual powers, and his self-reliance. He paid little deference to the authority of decided cases, when conflicting with his own views of the law, and his mannerism on such occasion was more supercilious than gracious. He appeared to better advantage in arguing to the court . . . than the jury, and despised everything that squinted at fishing for game. His power of invective was almost fearful. Such a

[11] At that time judges served until they were seventy, but were not eligible for reappointment.

man could win respect for his ability, but was not adapted to win popular favor or a large clientage."[12]

With such a disposition, it is not surprising that the offices which Mr. Preble held were appointive ones, and that he often found it advisable to act through others rather than to appear before the public himself. But he was a shrewd political manager, and for some time one of the most influential men in the State.[13] He served for eight years on the supreme bench, was appointed Minister to The Hague, and took a prominent part in the struggles over the northeastern boundary; the last years of his life were devoted to securing direct railway communication between Portland and Montreal. There were great difficulties to be overcome, but he lived to see the work completed, and the road extended to Lake Huron.

The War of 1812 and the Hartford Convention proved a stimulus to the separation movement. Though the Massachusetts delegation included two residents of the district, "in no other part of the Union, perhaps, did that famous convention call forth more exasperation than it did in Maine." A convention of towns in Oxford county declared it expedient for Maine to be a part of Massachusetts only so long as Massachusetts gave support to the Union, and that a convention ought to be called to take action in this sense. Similar resolutions were passed at a convention of citizens of Somerset and Kennebec counties.

In the same year, 1814, the Massachusetts House appointed a committee to consider the expediency of taking the opinion of the people of the State (not as formerly, of the District of Maine, only) on the question of a separation. The committee advised that the matter be referred to the next Legislature. Meanwhile the friends of separation were not idle. Plans were made for enlarging the *Argus* and increasing its circulation in order both to influence elections generally and to further the cause of separation. Petitions for separation were sent to the Legislature, and its supporters found the Federalists apparently ready to give the request "benevolent consideration." Mark L. Hill, then a member of the Massachusetts Senate and later a Representative in Congress, wrote to his friend and political ally, William King: "The Federalists in the Senate are remarkably polite. They appear extremely anxious to know what the exertions are toward a separation, and if we may judge from appearances, Mr. Otis and others are willing to get rid of us."

On February 26, 1815, a resolution for separation was introduced by Senator Albion K. Parris, of Oxford. On February 26, the Senate by a party vote of 17 to 10 accepted the report of a committee that "it was not expedient to pass these resolves." On this occasion the Republicans, as

[12]The Kennebec *Journal* said of him in 1827, "He is indeed the Van Buren of Maine, and though with far less talents and still farther less popularity, he was a powerful agent in directing the wheels; though he dare not be seen to touch them himself."

[13]Emery, "Reminiscences of Bench and Bar," Coll. Maine Hist. Soc. II, 8, 115.

heretofore, favored taking the opinion of the District on the question of separation, but the Federalists, reversing their former attitude, opposed it. In each case they were probably influenced by partisan considerations. Massachusetts proper was, and had been, Federalist, the District of Maine, Republican. Maine had indeed at times returned a majority of Federal Congressmen, but for many years she had steadily supported a Republican for Governor, and the majority of her representatives in the General Court had also been Republican. The strong Republican minority had made it necessary for the Federalists to pursue a more moderate course than some, at least, of their leaders desired. It appeared that the situation, from the Federalist point of view, would grow worse instead of better. The population of Maine was increasing faster than that of Massachusetts, and the Federalists feared that in time "the unprincipled majority in Maine, effecting a junction with their natural allies in Massachusetts proper, will finally endanger, if not overthrow, the literary, religious, and political institutions of the State."

Later in the separation struggle, a letter to the Boston *Daily Advertiser* said: "It has been apprehended that there would be such an increase of the population of the District as that the question would be, according to the current phrase, not whether we should set them off, but whether they would set off us—and that possibly the seat of government might be removed to some place in the District."[14]

There was a feeling in Massachusetts toward Maine like that with which a guardian of a rough, troublesome youngster regards the ward who shows little gratitude for the pains taken for his welfare. The correspondent of the Boston *Advertiser* quoted above said:

"The truth is that the question of the separation of the District of Maine, though in terms acknowledged to be important, has not excited much interest in this part of the Commonwealth. It actually occasioned less discussion in the Legislature than a petty dispute about moving a half-toll turnpike gate. The District has been considered as a sort of nursling, whose support cost more than its services were worth. The peculiar situation of that country has been such as to give us a great deal of trouble, and to compel us in some instances to make general laws such as would never have been thought expedient or just had we legislated only for Massachusetts proper. The citizens of this Commonwealth generally have felt a sort of pique occasioned by the clamor for separation in the District, and have said, "if these people think they are oppressed, and are so anxious to get away from us, we can do very well without them; let them take their own course, run and be glorified."

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[14]Equally unreasonable fears had been expressed by the friends of separation. The *Argus* of April 25, 1806, published a letter from a correspondent signing himself "Falmouth" who declared that "As *Federal Massachusetts* would gladly be divorced from *Republican Maine*, a Boston representative may cause us to be separated at any moment, without a cent of the million and a half of money in the treasury, without any consideration for our expense in building the State House, and State prison, or without an acre of the Eastern land at our disposal."

Why, then, had the Federalists changed their attitude? Partly, perhaps, from a natural reluctance to dismember the State, but more because the balance of population had shifted. The "Ohio fever" was raging in Maine, and many of her citizens were seeking better farms in the West, the people of Massachusetts were increasing in number, and there seemed little danger that "the wise and good" would be deprived of their rightful authority by the backwoodsmen of Maine. Moreover, were the District to become a separate State, the Republican majority in the United States Senate, already large, would be still further increased.

The refusal of Massachusetts to allow the people of Maine to express their opinion on the question of separation roused its advocates to greater activity. When the Legislature met in the following winter, petitions poured in from Maine in favor of Statehood. The action of the previous year was reversed and a bill was passed allowing the people of Maine, on the 20th of the following May, to express by a vote their wishes in the matter of separation. The change was probably due to the fact that the petitions showed that there was a strong sentiment in Maine in favor of separation, for Massachusetts had no desire to retain the District against the wishes of a decided majority of the inhabitants. The twentieth of May rather than one of the election days was chosen as the time of voting, because it was thought best to separate the question of the division of the State from party politics. A near day of voting was fixed to put an end as soon as possible to the suspense and agitation of the citizens of Maine.

The contest in the District was fiercely waged, but when the ballots were counted it was found that less than half of the voters had gone to the polls. The vote stood, in favor of separation, 10,584, opposed, 6,941.

It had not been intended by the Massachusetts Legislature that the popular vote should be absolutely decisive. During the debate in the House on the means of obtaining the opinions of the people of Maine concerning the question of Statehood, Mr. Lincoln, one of the committee that drew the resolve for the vote, said: "Should there be a bare majority in favor of separation, the Legislature will exercise its judgment in granting or denying the request; a commanding majority will be almost compulsory on the Legislature."

The Legislature met shortly after the vote in Maine and promptly referred the subject of separation to a joint committee of which Senator Harrison Gray Otis was chairman. The committee reported to the Senate that the vote in May did not give a clear expression of the wishes of the people of Maine, that the committee hoped that separation would not take place, and that they believed that some further means should be taken to learn the opinion of Maine on the matter. They accordingly presented a bill providing for the election by the people of Maine of a convention to meet at Brunswick on August 26. If a majority of the delegates favored separation, the fact should be taken as a proof that the people of Maine

desired it and the convention should proceed to frame a constitution. Various provisions in regard to the public property and lands, the public debt, etc., were made. The provisions were required to be accepted without change by the convention and were to become *ipso facto* a part of the constitution of the new State. In the Senate, several amendments were passed. One of them, though moved by a leader of the separationists, Mr. Holmes, of York, proved fatal to their plans. It provided for another popular vote on the question of separation, to be taken September 2, and for the election at the same time of a convention which should assemble on September 30, organize and count the votes. It was further provided "that if a majority of five to four at least of the votes returned are in favor of said Districts becoming an independent State aforesaid, then, and not otherwise, said convention shall proceed to form a constitution, as is provided in this act."

It seems strange that such a limitation should be proposed by a friend of separation, but probably Mr. Holmes thought that it would win votes in the Legislature, yet would not prevent the separationists from carrying Maine in September. In the debates of the convention for ascertaining the result, Mr. Whitman said: "It was opposed by the opposers of separation that a bare majority should decide a matter of such importance. This gentleman readily acceded to this, and proposed that a majority of five to four should decide the affair of separation." There is, too, a bare possibility that Holmes wished separation to fail. Samuel F. Whiting, in a letter to William King, written on May 6, 1816, said: "The general impression is, that he is decidedly opposed to separation, that he expects to gain more by continuing the connections with Massachusetts than by becoming a separate State. For myself I cannot believe that he is in fact opposed to separation. But nothing will regain him the confidence of his Republican friends in this quarter but coming out openly and decidedly in the Senate" of Massachusetts.

In the House an earnest effort was made to postpone the subject until the next session, but without success. Then, says Mr. Stanwood, "the storm burst forth in Maine. . . . The election upon which everything depended was to take place in eleven weeks, and although the people were already greatly excited, they were stirred to even greater activity. The newspapers discussed the question with enlarged headlines, and their pages became spotty with capital letters and italics."

A correspondent of the *Argus* hoped that the people of Maine would not be gulled by a bill which had been introduced into the Legislature to improve the public lands. "Whenever they have been hard pressed to let us off," he said, "they have delayed and amused us with similar systems."

The failure of Massachusetts to defend the District during the late war had caused the bitterest feeling in Maine. In 1786 the citizens of Machias had voted against separation, one of the reasons being that Maine needed the protection of Massachusetts against Great Britain. Now there was a widespread feeling that the union with Massachusetts had been a hindrance

rather than a help. It was claimed that if Maine had been a separate State she would not have tamely submitted to the occupation of Castine, but would have won honor by her courage as did Kentucky. Massachusetts was accused of partiality in education matters. It was said that $13,000 in ten years had been given to Massachusetts colleges ($10,000 to Harvard and $3,000 to Williams), and only $3,000 to Maine's college, Bowdoin; that according to the proportion of direct tax paid by Maine she had paid the whole of the Bowdoin grant and made a small contribution to the Massachusetts colleges. One critic blamed Massachusetts for refusing to give the usual aid of a grant of land to a proposed academy at Bangor. He also complained that a lottery for the benefit of a Maine work had been refused on the ground that lotteries were injurious to morals, but that Harvard College and the Middlesex Canal had been permitted to raise money in this reprehensible way.

It was urged that the population of Maine was equal, and more than equal, to that of Rhode Island, Delaware and Louisiana taken together. The point was also made that the new State would be entitled to two Senators, and that this might "quiet the alarms of some of our good folks over Southern influence." There seems to have been less said than formerly of the hardship imposed by union with Massachusetts on citizens of Maine who had lawsuits to prosecute or defend, probably because Massachusetts had in large measure remedied this grievance by the judicial legislation of thirty years before. The author of a series of letters in the *Argus* did, however, refer to the inconvenience to Maine Legislators of having the capital so far from their homes, though he admitted that not a few merchants went to Boston twice a year, drew two dollars a day, and spent most of their time not in looking after the interests of their constituents but in buying goods. Wild lands in unincorporated districts were assessed at only one-third of their value, and the Legislature was accused of taxing the speculator two per cent. when it taxed the farmer six.

The opponents of separation declared that it would be contrary to the fundamental laws of the State and the Nation. They asserted that neither the Government, nor even the people of Massachusetts, could deprive law-abiding citizens of the protection of the State, that such persons residing in Maine were entitled, if they so desired, to continue a part of the people of Massachusetts and to remain with their property under her jurisdiction. It was assumed as a matter of course that an independent Maine, with no authority over thousands of her inhabitants and their estates, was a practical impossibility. The assertion that Massachusetts could not divest herself of the duty of protecting the property of her citizens was made to meet the objection that separation need not deprive any one of his citizenship in Massachusetts. He could go and live there, as some prominent men in Maine actually did after the separation, or he could remain in Maine as a citizen of Massachusetts, though obliged, like any alien, to obey her laws while in her borders.

It was also urged by the members of the Legislature from Lincoln, Hancock and Washington counties, who were opposed to separation, that the Constitution of the United States forbade the erection of a State within the jurisdiction of another. Article IV, Section III, of the Constitution of the United States, provides: "New States may be admitted by the Congress into this union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures concerned as well as of the Congress." Mr. Stanwood says of this claim, "There is certainly good ground for maintaining that the three clauses are distinct, that the second is an absolute prohibition, and that the use of the plural 'Legislatures' limits to cases where two or more States are concerned, the permission to form new States, and therefore excludes all cases where the consent of one Legislature only is to be obtained. However, except in the discussion in Maine itself, this point was never raised."

Precedent was against this construction. In 1792 Kentucky had been separated from Virginia with the consent of the State and of Congress.

It was also claimed that the separation of Maine would be very injurious to the District. The strongest of the arguments from interest, and one that proved very effective at the September election, was the old objection that Statehood would place a heavy burden on the coasting trade. To this argument the friends of Statehood replied that Congress would pass a law allowing unrestricted trade with Massachusetts, and they pointed to the fact that Rhode Island had been permitted to carry on her old trade with New York across Long Island Sound, without a license being required, though the two States nowhere touched each other. It was also urged that half the Maine coasters would need no license in any case, as their cargoes were worth less than $400,* that the tax on the others would be but a light burden, and that it was for the benefit of the nation.

The opponents of separation rejoined that to allow a free coasting trade between Maine and Massachusetts, when other non-contiguous States were denied a similar privilege, would be a violation of that section of the Constitution which provides that "No preference shall be given by any regulation of commerce or revenue to the ports of one State over another." They made a rather weak attempt to distinguish the case of Rhode Island from that of Maine, claimed that the law regarding Rhode Island was unconstitutional, and asserted with the greatest positiveness that Congress would never pass a similar act for the benefit of Maine. They argued, too, with much reason, that the burden on the trade consisted not merely in the payment for the license, but also in the delay caused by making the application, which might mean the loss of a favorable wind.

The anti-separationists vigorously defended Massachusetts against the

*Only vessels with cargoes worth $400 or over were obliged to enter and clear.

charge of selfishness and partiality in her educational policy. They said that grants to colleges should be in proportion not to the taxes paid by the districts in which they were located, but to the number of students attending them. They urged that Harvard was the college of the whole State and of the United States, that it was easier for persons residing on the seacoast of Maine to go to Cambridge than to go to Portland,[18] as easy for them to go to Cambridge as for residents of the county of Middlesex, unless the latter lived so near to Harvard that they could board at home. It was said that the opposition to the grant for an academy at Bangor originated with a representative living near the town, that others who lived near by assisted him, and that one of the opponents was a leader in the separation movement. "The fact was, that neither local jealousy nor party prejudice, operated in this question. The grant was opposed on the truly Republican ground that academies have the effect of discouraging good town schools, and thereby confining the benefit of education to the rich to the exclusion of the poor, and also on the ground of there being another academy (Hampden) within six miles of the one proposed, which had received a grant of half a township of land and was then languishing for want of students."

The opponents of separation also declared that Maine could not furnish suitable officers for a State, particularly suitable judges for a Supreme Court, that the taxes would be heavier, and that the terms of separation were unjust. They likewise appealed to denominational prejudice. Church members were told that the authorities of the new State would be unfriendly to the interests of religion. A special attempt was made to alarm the Congregationalists. Certain privileges were given to the first church in a town, and this was usually a Congregational one. Hence the Baptists and other "dissenting" churches often found themselves at a disadvantage. They were stronger in Maine than in old Massachusetts, and some Congregationalists feared that their own position would be endangered should Maine become a separate State. Attempts were made to win the Quakers by assertions that the new constitution would compel them to bear arms.

The separationists declared that the claim that Maine stood in need of the property, talents and integrity of Boston, was of the same nature as the old Tory argument that the colonies needed the talents and the protection of Great Britain. One writer vigorously denied that Maine lacked men of talent, but said that, were it true, Statehood would stimulate talent and attract men of science, the public land would no longer be given to colleges in Massachusetts. It was alleged that the cost of the new State would be less than the State taxes paid by Maine, and that the public lands if well managed would soon pay all the expenses of government, as they did in New York and Pennsylvania. The charge that religion would suffer by the

[18] Travel was mainly by water and there were many more vessels trading to Boston than to Portland.

proposed change was denied. The terms of separation were declared to be favorable, but it was said that even were this not the case, a proper pride should lead the people of Maine to vote for Statehood. The conditions of separation were required, on the adoption of the constitution, to become a part of the instrument, *ipso facto,* and some of the more ignorant of the voters seem to have feared that this unknown word of terror would do much mischief.

Massachusetts was to have half the public lands in Maine, and they were to remain untaxed while she held them. It was claimed that she might refuse to improve or sell, but grant long leases, and that the title being in her she could obtain a revenue and still escape taxation. Cyrus King replied that experience showed that unimproved lands were not profitable, if the lands nearby were settled; in other words, the honest pioneers would steal the timber. It was also claimed that should Massachusetts lease, though Maine could not tax the land owned by her, she could tax the tenants on the value of the leases.

Some of the arguments against separation have a distinctly Federalist sound; it was, indeed, from Federalists that they came. The question of Statehood was not, it is true, a strictly party one. All the Republicans were separationists, but so, too, were some Federalists, local pride proving too strong for party feeling. The Republicans met these advances cordially. They invited all who favored separation to come forward without regard to party, and promised that those who did so should share the offices. A meeting of the Republicans of Lincoln and Eastern Cumberland declared that the question of separation was not a party one, and that should Maine become a State they would "encourage impartial justice in the exercise of patronage and influence."

But this holding forth the olive branch did not prevent the discussion from being exceedingly bitter. The *Argus* often used violent language concerning the opponents of separation, reproaching them with being Hartford Convention men. The *Gazette,* the leading Federalist paper, replied: "*People of Maine,* look at the columns of the *Argus,* and there read the manners and the morals of the men that would rule over us. These are the men who are seeking high places in the new government. People of Maine, shall we take the serpent to our bosoms and warm him, that envenomed reptile known to all the world by the name of 'blown ambition'? You have seen him coil in the *Argus,* you have seen him hiss and vent his poison there; shall we take him to our bosoms and soothe and warm him there?"

The *Gazette* anticipated and even excelled Darwin, for it discovered the missing link. It said that its opponents could not argue but only shout "Hartford Conventionists," and that these creatures "feel sensible in the presence of men of character and soul that nature has formed them but a link in the chain of animal creation between mankind and the brute."

Both parties got up great public meetings. The anti-separationists held

their chief meeting in Brunswick. The *Argus* of August 7 declared that both the principal speech and the attendance were poor, and that all the delegates but forty-six were from Brunswick itself or the town of Topsham, which lay just across the river. It also said that there was a long delay, while search was being made to find some clergyman who would give aid and comfort to the antis by opening their meeting with prayer.

The *Gazette,* of course, had a different story to tell. It dwelt especially on the quality of the meeting, describing it as "one of the most respectable voluntary assemblies ever collected in Maine. It was composed of men of character and property. They have something to lose by separation and nothing to gain by it. They are not seeking the people's money, but the general welfare and happiness of all." If, however, they had something to lose and nothing to gain by separation, they were as open to the suspicion of selfish motives as were the men who could hope to be governors or senators of the new State.

Election day came, the separationists carried the convention, and from the early returns it appeared that they had the necessary five to four majority of the popular vote on the question of separation. But when the ballots were counted it was found that they had polled 11,969 votes, and their opponents 10,347, or a trifle more than four to five. It would seem that the question was decided, separation defeated, and that the convention, which duly assembled on the 30th of September, had nothing to do but to verify and proclaim the result, and adjourn *sine die*. But among the separationist leaders were some of the cleverest politicians in Maine, and they had no intention of giving up the fight.

The day of meeting of the convention was consumed in caucussing and in an unsuccessful attempt, or apparent attempt, to organize, after which an adjournment was carried. The events of the two following days are vividly described in the notes of William Allen, an anti-separationist member of the convention:

"The absent members nearly all came in and light broke in and General King was chosen president forthwith, and a secretary chosen. Returns of votes were called for by counties and the result in each town announced by the chair. Mr. Preble and other Democratic members took it upon them to collect and hand in the returns in favor of separation, as they had a right to do for their friends. When the returns from Somerset were called for I collected all, both for and against, and among others the returns from Phillips and Avon, nearly unanimous for separation, were handed to me by a friend who had been entrusted with them, being known as in favor of separation. I was not known by Mr. Preble, and he, being on the watch, immediately inquired of my friend as to the complexion of the returns he had delivered to me and what my views were. On being informed that the returns were for separation, but that I was opposed to it, Preble reprimanded my good friend with severity for what he had done, saying that 'those returns would be withheld or destroyed.'

"In the course of the day all the returns were accounted for except

for five or six towns, among them the town of Lyman, in which six only were in favor and one hundred and seventy-nine votes against separation. The return was traced into two or three hands and lost in the fog. Preble was challenged and denied that he had it. I thought he equivocated, and as he had suggested that I ought not to be trusted, I thought of the motto attached to the sign of the Order of the Garter, 'Evil to him who evil thinks.' When a committee was appointed the next day to make search for returns that were missing, I kept my eye on him until I saw him pass that from Lyman to a respectable clergyman, a member from the county of York, behind the corner of the meeting-house as we were coming in at the afternoon session, and whisper a verbal message to him. I followed the bearer in and saw him lay the return on the secretary's table without any ceremony. When the convention was called to order the secretary passed the document to the president and said he found it on his table, and did not know how it came there. The contents were announced and the return passed to the committee; but this was not the end of it. It was rejected by the committee—a committee of Hill, Davis and Woodman to inquire about missing returns. The returns from Eliot and Frankfort were traced to A, from A to B, and B to C, and were probably tried by fire and lost."

It is startling to find presumably honorable men guilty of such conduct, but tricks like these were not uncommon.[1] The delegates, however, were careful to make clean the outside of the cup; after electing officers they had requested President Appleton of Bowdoin College to attend and offer prayer. He did so and "addressed the throne of grace in an appropriate manner; earnestly soliciting the interposition of divine power in conducting the affairs of the convention; to prevent animosity and strife from predominating, and that *wisdom* instead of cunning should be their guide (truly an *appropriate* petition); so that the proceedings should allay party spirit, and give to the people universal satisfaction."

The anti-separationists appear to have been extremely suspicious of their opponents, insisting, and with some difficulty obtaining, that the returns should be delivered to the president and publicity declared and listed by the secretary before they were entrusted to any committee. They also demanded an addition to the committee to pass on the votes for separation, that they might have greater representation. They claimed that too large a majority had been given to the separationists, and that one of the antis "was deprived of hearing, and could not be expert to do business or correct mistakes." At this Mr. Holmes interrupted with the remark that he presumed the delegate could see, if he could not hear. In the debate Mr. Holmes, who had been appointed on the committee, declared his own honesty, protested against the slur on the committee, and said that he would refuse to serve if the amendment passed. Mr. Whitman replied, "If the gentleman is as honest and honorable as he says, he need not oppose the measure. Men who are not chargeable will not be uneasy. But when a man knowingly has stolen goods in possession, he is not willing to be searched."

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[1] See Morse, "The Federalist Party in Massachusetts," 59, note.

The motion to enlarge the committee was defeated by a vote of 84 to 33. It was renewed, but was again defeated by 91 to 73. The committee made the astounding report that the majority of 5/9 necessary for separation had been obtained. They interpreted the law as requiring that the proportion of 5 to 4 should be not that of the yeas to nays, but that of the majority of yeas in the towns voting yea, to the majority of nays in the towns voting nay. They admitted that this construction was a doubtful one, but said that in May and again in September the people of Maine had declared for separation, and that in an uncertain case that construction should be given which would carry into effect the will of the people. John Holmes was chairman of the committee, and he has been given the credit, or discredit, of this remarkable explanation of the 5/9 clause. Another member, John Davis, of Augusta, is said to have claimed the honor, but William Willis, who probably had good means of ascertaining the truth, declares that William Pitt Preble was the deviser of the scheme.

Holmes and his associates, however, graciously consented to consult Massachusetts in the matter; they said:

"But your committee forbears to recommend that this convention act without deliberation and advice. The Legislature of Massachusetts will soon be in session. No inconvenience would arise in consulting their wishes or asking their opinions. Should they, as they undoubtedly will, confirm this construction, or otherwise explain or modify the law so as to give effect to the voice of this majority of the people, much dispute would be prevented and great satisfaction afforded to the opposers of the separation.

"But if contrary to all reasonable expectation the opinion and decision of Massachusetts should be unfavorable, we could at an adjourned session of the convention determine for ourselves and carry the Act into full effect, agreeably to our own understanding of its provisions.

"But in the report of the committee, prefixed to the act, we find it conceded that 'expectations have been authorized, that the Legislature of Massachusetts would consent to the proposed separation when the deliberate wishes of a majority of the people should be developed in favor of the measure.' And we have no doubt that with the present commanding majority, Massachusetts will give such a fair and rational interpretation of the law, as will carry into effect the 'deliberate wishes' of the people of Maine."

The committee proposed that the convention adjourn to some future day, having first appointed a committee to draft a constitution. The committee also said that Maine should apply to Congress for admission to the Union and for a modification of the coasting law. The next paragraph in the report was of a somewhat startling nature. It ran: "Should the Legislature confirm their consent, Congress at their next session would admit us into the Union. But should Massachusetts give an unfavorable interpretation of the act, or refuse it, as justice requires (the committee say the precise opposite of what they mean), Congress would decide whether we have not complied with the conditions upon which the consent of Massachusetts was to be obtained." The committee also submitted resolutions

for the appointments of committees to carry their recommendations into effect.

The report provoked a bitter debate. Mr. Emery, of Portland, declared that he was in favor of separation, but he protested against any attempt to intimidate Massachusetts. He said, "everything reasonable may be hoped from the liberality and magnanimity of Massachusetts, but nothing from her fears. We have yet many important negotiations to conduct with Massachusetts. It would be wisdom for us to commence in good humor. And I consider that this high-spirited disposition to exhibit a degree of *spunk* on this occasion is injudicious, if not grossly indecorous. We should by discreet deportment endeavor to gain friends, rather than alienate and disgust those who look with kindness on our efforts to effect a separation." Mr. Emery specially objected to an appeal to Congress to decide that the conditions on which Massachusetts gave her consent to the separation had been complied with. He said:

"This is, in truth, *tending* to involve us in the horrors of rebellion, and unblushingly claims the aid of the Union to bear us out in it. It must be apparent to every unprejudiced mind that the five to four of the votes returned is not obtained. How then can we resort to such an asseveration as this resolution expresses?

"There are in this assembly reverend ministers of the gospel, whose constant exertions are to instruct us in the ways of truth, and our duty to God, and to each other. I appeal to them, and ask them if they can reconcile it to their precepts and consciences, to countenance this miserable prevarication, and grace it with the appellation of truth.

"There are also judges of the land. They are not in fact under oath, but their duty binds them to act justly on this subject. To them I appeal, and expect from them an honorable and conscientious execution of the high trust which their constituents have reposed in them.

"There are other members of this assembly of too much pride, I trust, to consent that twenty years hence their children should be able to rise and turning to the records of this convention, declare, *at such a time you told a deliberate lie.*"

Judge Thacher said, "Let the gentlemen remember the rise and progress of *Daniel Shays,* and then reflect. And let the people of Maine beware how they give heed to those that by cunning craftiness, lay (in) wait to deceive."

Mr. Ladd, of Minot, made a long speech against the report of the committee, though under very unfavorable circumstances. He said: "Mr. President, it is now past the usual time of adjourning. I have something to say on the subject; but I am hungry, and wish for some dinner: I therefore move for an adjournment till two o'clock P. M." The motion being seconded, was put and decided in the negative. He then rose and addressed the convention again:

"Mr. President: The convention seem determined to deprive me of my dinner; yet I feel disposed to speak my mind with freedom. In doing

this, I shall be compelled to do it in my own way: I am a sailor, was bred a sailor, and continued in their employment till 'free trade and sailors' rights' drove me ashore. Consequently I am *more* acquainted with the noise and tumults of the ocean, than with a deliberative assembly; for this is the first body of that description I ever addressed. But, Sir, I confess that I cannot understand this report; I cannot catch the points of it. I might as well chase a mosquito into the Pacific ocean. I wish the report was made as plain as a pikestaff, and as straight as a handspike, and easy of demonstration to every hand before the mast. There is something that appears like deception in this work. It looks like a number of serpents lying with one's head to the other's tail; if you attempt to take hold of one's tail, the other is ready to bite you; and even if you change sides the effect is the same—The case is self evident. It reminds me of the philosophers of the dark ages who decreed there was no motion, while their tongues moved incessantly to prove it. We now look on them and their arguments with pity and contempt. But a set of modern philosophers, by jumbling logic with mathematics, come at a result more contemptible."

Messrs. Holmes and Parris vehemently defended the report and their own sincerity. Mr. Parris said that the committee's construction of the five to four clause was the only possible one. Mr. Holmes declared that "the construction of the act is a most noble one," and that "this report is true as God himself is true."

The report of the committee was accepted by a vote of 103 to 84. But the arguments of the opposition had not been without effect, and the next day, on the motion of Mr. Holmes himself, the paragraph declaring that at an adjourned session the convention could carry the law of separation into full effect, was changed so that it merely stated that the convention could take such measures as were proper and expedient, the suggestion of an appeal to Congress was also changed, and on the motion of Mr. Davis the committees to draft a constitution and to apply to Congress were directed to suspend all proceedings until the result of the application to the Massachusetts Legislature was known. The minority presented a protest against the action of the convention, which was entered on the journal; various committees were appointed, including one to draw up an address to the people and answer the protest of the minority, Messrs. Holmes, Preble and Davis, of Augusta, were chosen for this duty, and the convention adjourned until the third Tuesday of December.

It is said that many of those voting to accept the report did not agree with the committee's construction, but believed that since there was a considerable majority for separation, Massachusetts would waive technicalities and grant it. But Massachusetts was in no gracious mood. A division of the State could not but be unpopular on many grounds, and as the long-talked-of separation appeared close at hand, even its former friends, the Republican newspapers, ceased to advocate it. They could hardly be expected to be enthusiastic over a change which would divide their State and cripple their party. Moreover, there had not always been unity of feeling

between the Maine Republicans and those in old Massachusetts. Many of the former thought the latter too conservative, and too ready to treat their brethren in the District as subordinates. Two years later General Chandler wrote to his friend, William King: "It is not only the Republicans of Boston who act like the Devil, but those out of Boston are not made up of the same materials as the Republicans of Maine are."[17]

But the silence of the Republican press in Massachusetts brought forth a bitter protest from its old ally, the *Argus*. The extraordinary course of the convention had been unsparingly condemned by the Massachusetts papers. The *Argus* declared that the Boston papers were pouring forth a constant stream of abuse on the District. The *Argus* and its correspondents presented arguments which, however, were not always consistent with each other, in defense of the convention. It was said that the letter of the law had been complied with, and that the intent of the Legislature was not within the cognizance of the convention. A correspondent signing himself "Investigator" admitted that the anti-separationists intended to make five-ninths of the total vote necessary for separation, but said that, had the law been unequivocally expressed, it would have been unconstitutional because contrary to the right of the people to declare their will by a majority vote. Some men on both sides seemed willing to enforce their views at the point of the bayonet.

The *Argus* of November 6 said that the Boston *Daily Advertiser* intimated that Massachusetts had "better submit to an actual conflict, and reduce as she easily can these refractory usurpers *by force*. The Portland *Gazette* encourages the project, and hopes that she will be joined by the opponents here. Try it, gentlemen, try it, until the squatters give you enough of it. Freemen of Maine, be on your guard—see that your muskets are *in good order*."

Fortunately wiser counsels prevailed, and the official action of the representatives of Massachusetts and Maine was marked by courtesy and moderation. Governor Brooks, in treating the subject in his speech to the Legislature, said that "the two peoples were of the same origin, educated in the same principles, had fought side by side. May no root of bitterness spring up to alienate their affections, whether united or separated. Judging from the ingenuous manner in which the subject has hitherto been discussed in your respective houses, we may confidently hope that wisdom will mark its future progress." The committee which presented the memorial of the convention "called upon Governor Brooks to express their thanks to him for the delicate and courteous tone of his speech. Moreover, in their memorial to the Legislature they said, with reference to the movement for separation, "it has often been the subject of the deliberations of the Legislature, and we owe it to the people of Massachusetts thus publicly to acknowledge that it

[17]King Mss. Chandler to King, March 26, 1818.

has always received prompt attention, and that the course adopted with respect to it has been uniformly liberal and magnanimous."

The memorial of the minority of the convention, and numerous petitions against separation, were referred to a committee which after some delay reported that they had no hesitation in rejecting the construction given to the separation act by the convention, and that the Legislature had no right to extend its powers. They met the argument that a majority of the people of Maine had declared for separation, by saying that the vote only gave consent provided five-ninths of the people agreed, and that had the vote been on the simple question of separation it was possible (they did not venture to say that it was probable) that the result would have been different. They stated that there was no evidence that the feeling in favor of separation had increased greatly, if at all, and that if the Legislature should change the conditions of separation so soon, they might be thought unduly anxious to hasten it, and regardless of the wishes and interests of a large and respectable class of their fellow-citizens. The committee said that there could be no harm in delaying action since there would scarcely be time during the present session of Congress to obtain its consent to the admission of Maine, and meanwhile there would be opportunity for discussion and calm decision.

The committee reported two resolutions: "That the contingency upon which the consent of Massachusetts was to be given for the separation of Maine has not yet happened, and that the powers of the Brunswick convention to take any measures tending to that event have ceased"; and "that it is not expedient for the present General Court to adopt any further measures in regard to the separation of the District of Maine." The report was accepted by the Senate and the resolutions were adopted on the next day, December 4, without debate, and the House concurred unanimously on the same day.

On December 5 a gentleman in Boston wrote to a friend: "Yesterday the remains of the Brunswick convention were quietly deposited in the vault." He also stated that Holmes declared that he never believed in his construction but that he was pushed up to it, that King said that he was opposed to it, but he was talked over and that "Mr. D. (Davis?) who claimed the honor of the invention sometime since, now disavows it."

Although the battle for separation attracted the chief attention in Maine, politics were not forgotten. A president was to be chosen in 1816. The Republican nomination was equivalent to an election, and there were several aspirants for the honor, the principal ones being James Monroe, of Virginia, the Secretary of State; and William H. Crawford, of Georgia, the Secretary of the Treasury. Governor Tomkins, of New York, was also a candidate. In the *Argus* of December 5, 1815, a correspondent highly praised Monroe for his "great and splendid talents." There was much opposition to a continuation of the "Virginia dynasty," and the *Argus* of

January 3, 1816, published a letter signed "Union," protesting against refusing to nominate a worthy man because he was a Virginian. The Democratic members of the Massachusetts Legislature unanimously approved the nomination of Mr. Monroe. A letter by "Maine" appeared in the Boston *Chronicle,* advocating the claims of Crawford. "Vindex" thereupon wrote to the *Argus* that the people of Maine did not prefer Crawford to Monroe; that they knew comparatively little of him, while Monroe was well known for his exertions in defence of the country while Secretary of War. The Congressional caucus nominated Monroe over Crawford by a small majority, and he was elected without serious opposition, receiving the votes of all the States except Massachusetts, Connecticut and Delaware. For Governor the Federalists elected John Brooks, an officer of the Revolution. The Republicans recognized the claims of Maine by nominating General King for Lieutenant-Governor.

In the same year the *Argus* was laboring for the re-election of Representative A. K. Parris. Congressmen had in the last session changed their pay from $6 for each day of the session to $1,500 a year and had made the law apply not from the date of its passage but from the assembling of the Congress which passed it. The mass of the people believed that $1,500 a year was a grossly excessive compensation, but what especially scandalized them was the retroactive provision. Many of those who voted for it lost their re-election. Among its supporters had been Parris. The *Argus* urged the voters not to forget all his good acts on account of his one error. It declared that the Federalists who were attacking him, favored high salaries and that they were trying in a neighboring district to elect a man who had voted for the obnoxious law. The *Argus* said that Parris had always followed the wishes of his constituents, and that if given the opportunity he would take the first occasion to redress their grievance. The people were not unmoved by such pleas, and the pliable Parris was re-elected, but he soon resigned to accept what would be, if he chose, a berth for life in the judiciary.

On January 9, 1818, David Sewall, the United States District Judge, had written to the Secretary of State, desiring him to transmit his resignation to the President, and taking "the liberty to suggest that Stephen Longfellow, Jun., Nicholas Emery, Ezekiel Whitman, Josiah Stebbins and Prentiss Mellen, are persons of established character for integrity, morality, and respectable in the knowledge of jurisprudence, that in my humble opinion either of them are [*sic*] qualified to perform the duties of that office." Sewall was a staunch Federalist, and all the gentlemen recommended by him as fit for a seat on the Bench were of the same party. It is not surprising, therefore, that Monroe passed them over and selected a Republican.

The Federalists probably considered the nomination one not fit to be made, but Parris proved a satisfactory if not a brilliant or learned judge.

Preble said in a letter to Holmes: "Our friend Parris acquitted himself with great credit at Wiscasset. That miserable decayed village seems to suppose that there is nothing in Maine out of her own limits that is respectable. Parris, you know, has an imposing gravity and he conducted the business with much dignity and promptness. Even therefore at Wiscasset, where they had expected but little, the new judge is quite 'the ton.' "

There were other judicial offices which the politicians were anxious to control. On December 27, 1817, William Pitt Preble wrote to Holmes that there was an impression that a national bankrupt act would be passed, and urged him to see to it that the appointment of the commissioners of bankruptcy should not be given to the district judges. "Our situation as to our judge [Sewall] in this district," he said, "you very well know, and also that there are other districts in which the political creed of the judges are [*sic*] not less exceptionable." Mr. Preble then says if the power of appointment is given to the President, "permit me to suggest to you the names of three gentlemen of our friends and acquaintances whose intelligence, integrity, standing and political soundness entitle them to the favorable notice of our leading men. I allude to Ashur Ware, Esquire, Woodbury Storer, Esquire, and Ether Shepley, Esquire. With respect to the soundness of the policy of aiding and assisting younger men of enterprising talents there can be no question. After all, our dependence is on this class of our citizens and if we are governed by personal considerations, I am satisfied the best mode of establishing and enlarging our own personal influence is to afford countenance and aid to such men. The old Dons have had their day and their reward. Besides they are not so capable as our younger men and would not do so much honor to the appointment."

Preble stated that the persons recommended by him would receive the support of most, if not all, of our friends, and "as we have already heard of several old Dons who are making efforts to occupy the ground, we have thought it necessary to write you on the subject in order that the gentleman named may not lose your aid by any neglect on our part, in case you should feel disposed to assist them."

In 1818 the friends of separation began to stir, and the question was repeatedly asked, how long was the subject to be allowed to sleep, and why was not something done? Certain Kennebec gentlemen proposed that such friends of separation as might attend the Bowdoin Commencement in September should meet and discuss the best time and means of bringing up the matter. Apparently no action was taken at Brunswick, but the Republican campaign committee of the county of Kennebec met during the session of the Supreme Court at Hallowell the last week in September, organized their friends for the next election, and inquired what the sentiments of the various towns were in regard to separation. The replies were most encouraging. It appeared that the ranks of the friends of Statehood were unbroken, and that great numbers of former opponents were giving up their

objections. But as to the proper time of making application to the Legislature, there were differences of opinion. Some desired to apply at once, others wished to wait until the next political year, while some thought that application should be delayed until after the next United States census, which would be taken in 1820.

E. T. Warren wrote a letter to General King in which he stated with great frankness the policy which he and his friends believed most likely to be successful. It would be unwise to apply at once, they thought, because only a few Maine towns had sent representatives to the General Court and these had not been chosen with regard to their views on separation. To wait until after the census, would endanger separation and lessen its advantages should it be carried. It would doubtless be found that the eastern part of the District had greatly increased in population, and the people of York and Cumberland counties would fear that the capital would be located contrary to their wishes. Moreover, a new valuation would be taken, the wealth of the District would be seen to have increased, and Maine would be obliged to assume a larger part of the public debt. It was true that she would also have a right to a larger share in the public property, but Mr. Warren thought that this would by no means balance the increase of indebtedness, since he believed that the claim of Massachusetts against the United States for expenses incurred in the War of 1812 would never be paid; that Massachusetts, thinking that separation was sure to come, was wasting the public lands in lavish grants, and that the other State property was constantly decreasing in value. It was therefore the opinion of Mr. Warren and his friends that application to the Legislature should be made at the end of the session of the ensuing May, and that the Republican State and county committees should meanwhile urge the towns to send their full number of representatives to the Legislature. This would probably make the Federalists of Massachusetts afraid to refuse separation. Should, however, the result of the election not be equal to expectation, at least public sentiment would have been tested, and efforts for separation could be suspended until a more favorable moment.

On December 16, 1818, a circular was issued by a committee appointed by a number of friends of separation in Kennebec. The committee stated that they had been directed to correspond with the members of the Legislature and supporters of separation in the Legislature and elsewhere, in order, by a friendly interchange of opinions, to agree, if practicable, on some time and mode for bringing the matter before the Legislature. The committee said that they had "no hesitation in giving it as their decided and deliberate opinion that the interests of Maine would be decidedly promoted by giving it the control of its own agencies," but that they were not prepared to advise an immediate application to the Legislature.

On April 19, 1819, "a committee of the Maine members of the Legislature issued an address to the people of the District, urging them, in the

selection of representatives, to choose none but supporters of separation. They also urged that the towns petition for separation in their corporate capacity. At the annual election party differences were extinguished, and the sole issue was separation. Every Senator elected from the District was in favor of separation, and of 127 representatives chosen by eighty-nine towns, 114 were in favor of separation and only thirteen opposed. Both these numbers were subsequently increased by later returns. A great number of towns voted to petition the General Court in their corporate capacity. The opposition was successful in only a few cases."

So overwhelming a majority rendered it practically impossible for Massachusetts to refuse separation. The Legislature referred the subject to a joint committee on which Maine was well represented, and the committee reported a bill providing that there should be a vote of the District on separation, and that the returns should be made to the Governor and Council. Should there be a majority of 1500 in favor of separation, the people of Maine were to be regarded as assenting to it. The Governor was to proclaim the result, and a convention was then to be chosen which should meet in Portland, select a name for the new State, and form a constitution.

The constitution was to be submitted to the people for ratification. If they refused to adopt it, the constitution of Massachusetts, except such parts as were locally inapplicable, was to be the constitution of the new State until legally changed. But whatever the result of the vote on the constitution, the District was to be become a State on March 15, 1820, provided that the consent of Congress were first obtained. Provision was made for the continuance of the existing laws, courts and public officers, in Maine, until its Legislature should act. The president of the convention was to perform the duties of Governor until a Governor was legally chosen. Certain conditions of separation, relating to the public lands, debts, buildings, and so forth, were to be a part of the new constitution. There were a number of changes from the requirements of 1816, but on the whole, they were not of great importance.

In the Senate, the opponents of the bill moved various amendments. Josiah Quincy offered one providing for a vote of the whole State on the question of separation. He made a long speech endeavoring to prove that the Legislature had no constitutional right to dismember the State, but his motion was defeated by a vote of 24 to 12. Other amendments were offered which, while leaving the decision to the people of Maine, required a majority of two-thirds, or of 2500. But these amendments were also defeated, and the Senate passed the bill by a vote of 26 to 11. In the House an amendment similar to Mr. Quincy's was offered by Mr. Rand, of Boston, but was defeated by a vote of 168 to 83. Had the fate of the motion been determined, however, by the votes of old Massachusetts alone, it would have passed by a small majority in a thin House, but the Maine members voted 20 for and 112 against. On the next day, after a long

debate, the bill was passed by a vote of 193 to 59, and two days later it was signed by Governor Brooks.

"If public sentiment in Massachusetts," says Mr. Stanwood, "had been indifferent or mildly favorable to a division of the State prior to the final act and during the consideration of the bill by the Legislature, it was aroused against it when opposition was too late. From the middle of June until the day in July when the vote was taken, the newspapers of Boston contained many communications on the subject. It was universally recognized that the decision rested entirely with the people of Maine, and there was no attempt at or suggestion of bullying them. But they were appealed to strongly to remember the glories of the State which had been won by them in common with the citizens of Massachusetts proper, were assured of the good will of their fellow-citizens, were told that they had no real grievances, and were warned against taking a leap in the dark. Correspondents of the several newspapers argued against the constitutionality of the act consenting to the separation. There were also communications reproaching the members of the Legislature for their easy surrender to the petitioners from Maine; and others lamenting the pitiable state into which the Commonwealth was about to fall and the low rank which it was about to assume among the States of the Union."

In Maine, the Portland *Gazette* and other opponents of separation fought their battle resolutely, and much ingenuity was shown in collecting a mass of arguments, good, bad and indifferent. There was a long discussion of the terms of separation, one party alleging that they were hard, and worse than those offered three years before, the other declaring that they were much better, and as good as could be expected. The argument of injury to the coasting trade had lost its force, for on March 2, 1819, a law had been passed allowing coasters to trade without entering and clearing in a district extending from the St. Croix to Florida. The enactment of the law was largely due to the efforts of Senator Rufus King, a native of Maine, and a recognized authority in commercial matters.

Party prejudice was a less active force against separation than in 1816.[18] It was now the era of good feeling, when party lines were nearly obliterated both in Congress and in the country. The Federalists, especially the younger men, had adopted many of the principles of their opponents, and they in turn were ready to meet advances in a spirit of conciliation. Indeed, the Republicans were not satisfied with offering general assurances, but a num-

[18] It had, however, an influence in uniting Republicans in favor of the measure. There is an interesting letter relating to the matter in the King manuscripts. On December 22, 1818, the collector of customs of the Surry district, died. The *next day* Leonard Jarvis, who later was an influential politician and represented Maine in Congress, wrote asking King's assistance in obtaining the office for his brother. This important matter mentioned, he then discussed the subject of separation and said: "Whenever you intend to move in the business you will find me ready to co-operate. However I might prefer remaining for a while with old Massachusetts, I do not incline to be in hot water with my Republican friends, nor do I wish to be found in the same ranks with the Federalists."

ber of them, led by General King of Bath, gave a positive pledge that the Federalists should have their fair share of the offices, which was understood to be about one-third. It is probable, however, that these promises of recognizing the Federalists offended some of the most stalwart Republicans and perhaps cooled their zeal. Representative Cushman, who was himself suspected of Federalism, thought that this would be a real danger, but said that it might be well to treat the Federalists civilly "and not to deprive them of hope, the last resource of the wretched."

Both sides recognized the importance of personal effort. Dr. Ayer, an industrious but very excitable politician, wrote to King describing an organization which had been formed to fight separation and giving the alarming intelligence that "persons from Boston, landholders, are riding through the county of Oxford endeavoring to make converts." He had told Benjamin Ames, a leading citizen of Bath, and then a close political ally of King, that $100 was expected from that quarter for use by the managers in Portland. But the doctor now wrote that they had money enough, and he advised King to spend the hundred "in sending a missionary or missionaries express through your county, Hancock and Penobscot." He added that the outlook was dubious in both Cumberland and Oxford, and that "unless the utmost exertions are used by our friends in your section, we shall have reason to fear the result."

This anxiety, however, was quite uncalled for; every county in the District voted for separation, although the majority in Hancock was only sixty-three. The total vote was, for separation 17,091, opposed 7,132. Proclamation of the result was duly made by Governor Brooks, and Maine turned to the election of the constitutional convention. The fight over separation once decided, both parties forgot old disputes, and joined in a friendly and patriotic effort to choose the best men in the State to draw up her fundamental law.[19]

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[19]Stanwood, "The Separation of Maine from Massachusetts," Mass. Hist. Soc. Proceedings, III:I, 125-165.

Chapter VII

THE STATE CONSTITUTION ADMISSION TO THE UNION

STATE CAPITOL, AUGUSTA

CHAPTER VII

THE STATE CONSTITUTION—ADMISSION TO THE UNION

On October 17, the convention met at the court-house in Portland. By unanimous consent, Judge Daniel Cony, of Augusta, was requested to take the chair.[1] A committee on credentials was appointed, and reported that there were 274 delegates present and legally returned. "On the invitation of the Hon. Chairman, the Rev. Mr. Titcomb, of Brunswick, addressed the throne of Grace, for guidance and direction in their important duties"; the convention then adjourned to three o'clock P. M., when it proceeded to organize. William King, of Bath, was elected president by 230 out of 241 votes. On the selection of a secretary there was greater divergence of opinion. On the first ballot there was no choice. The vote stood: R. C. Vose 105, Ashur Ware 73, Nathaniel Coffin 50, scattering 15; but on the second ballot Mr. Vose was elected, receiving 166 out of 257 votes. Certain committees were chosen, a sergeant-at-arms appointed, and it was voted "that the ordained and settled clergymen of Portland be requested to act as chaplains from day to day in the order of their seniority, and that the president assign to each editor or agent of an editor who should apply for it a convenient situation for the purpose of taking notes of the proceeding of the convention." The first parish of Portland offered their meeting-house for the use of the convention; the offer was accepted, and after the first day the sessions were held at that place.

One of the first matters taken up was the appointment of a committee to prepare a draft constitution for the consideration of the convention. The necessity for such a committee was generally recognized, but there was great difference of opinion as to its proper size. It was urged on the one hand that a small committee would do its work much more quickly than a large one; and that prompt action was important, because the convention must sit idle until the committee reported. It was answered that fairness to all, and respect for the wishes of the people, demanded a large committee. Mr. Holmes said: "There is considerable solicitude resting upon this subject and well there may be. The people look with anxiety to the committee who are to report a constitution, and will not be satisfied unless the feelings and interests, not only of every part of the District, but of every class of society, are represented on the committee." It was the first appearance of the question of apportionment, of the division of political power between the larger towns and the smaller ones, a subject which perhaps aroused more feeling, and certainly caused more debate, than any other matter before the convention. Some members, free doubtless from

[1] Judge Cony had played a prominent part in the history of the District, and his family was to attain to still greater eminence. Two of his grandsons, Samuel Cony and Joseph H. Williams, were to be Governors of the new State; and a third grandson, Melville W. Fuller, was to be Chief Justice of the United States.

all superstition, wished a committee of thirteen, others preferred forty-nine. A compromise offered by Mr. Holmes was adopted and the preparation of the draft was entrusted to a committee of thirty-three members, five from each of the counties of York, Cumberland, Lincoln and Kennebec, three from Oxford, Hancock and Somerset, respectively, and two from Penobscot[2] and from Washington.

It was moved that the committee should also report a name for the new State, but after much discussion it was voted to refer the latter subject to a special committee of nine. Probably it was thought that the name committee would act quickly, and that their report would give the convention something to do while waiting for the draft of the constitution. The two committees were nominated by the chair and approved by the convention.

Late the next afternoon, the committee on the name reported an ordinance providing that the new State should be known as the "Commonwealth of Maine," and on the following morning their report was taken up. Mr. Parsons, of Edgecomb, moved to strike out "Commonwealth" and insert "State," "on account of the saving of time and expense in writing and printing." Judge Thacher said that he did not think the subject of great importance, but that as it would be easier to write State than Commonwealth, he should rather prefer it. He said that towns had been inconvenienced by having long names, that the towns of Pepperelborough and Pownalborough had had their names changed to Saco and Dresden for this reason. Mr. Cutler, of Farmington, explained the reasons which influenced the committee in deciding in favor of "Commonwealth." "The word," he observed, "has more frequently been used; it is more consonant to our feelings, and we are, in some measure, attached to it."

Mr. Preble said: "The name of Commonwealth . . . seems to designate our civil polity. It belongs to us, as much as to those from whom we separate. It is a name of the Revolution, and our feelings are therefore connected with it. It seems also to be a little more respectable. As to what is said of other new States adopting the name of State, it is no example for us. They have been formed of Territories, and were never a part of a Commonwealth; they are a new people, as well as a new State. We are comparatively an older people, and part of an old Commonwealth." Judge Cony said: "This State is now to be divided, and we carry with us an equal right to all its privileges, and among them that of the name of Commonwealth.[3] I am not much in favor of the word Maine, but am decidedly in favor of Commonwealth as connected with it." The motion to strike out "Commonwealth" was passed by the close vote of 119 to 113, and the word State was then substituted.

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[2]In the spring of 1816 the northern part of Hancock county had been made a separate county under the name of Penobscot.

[3]Massachusetts officially styles herself a Commonwealth as well as a State.

It was then moved to strike out "Maine" as the name of the State, for the purpose of inserting "Columbus." Mr. Vance, of Calais, hoped that the motion to strike out Maine would not prevail. He said: "It is the name by which we are known in this country and in Europe. All our maps, our plans and records, have that name as the designation of the Territory. If it were altered, perhaps half a century would pass away before the new name were as well known. It is suitable for us to retain this name," said the modest Mr. Vance, "as for many purposes we shall be the *main* State in the Union; and as the original records of the province have this title, he hoped it would not be altered." After some further discussion and an attempt to call in the committees that their members might have an opportunity to take part in the debate, the report was laid on the table.

On the morning of Friday, October 15, it was again taken up. Judge Cony urged that the opening era of the new community be consecrated by performing a long-delayed act of justice, and calling it Columbus. He said that Columbus had been cheated of his rightful glory of giving his name to the continent, and that Maine suggested nothing great or distinguished, but that "the name of Columbus is associated with all that is noble—all that persevering fortitude or manly virtue could bestow or bequeath." Judge Cony reminded the convention that it had met on the eleventh of October, the anniversary of the day when Columbus discovered signs of land, which the next morning fully confirmed. He said that Congress had voted that first-rate ships of the line should be named after States, that Maine would have to wait long for her turn, "but already . . . the finest ship in the navy bore the name of Columbus, and after a lapse of a few years, it would be supposed, she was christened for our State."

Judge Thacher replied that he did not wish to deprive old Columbus of any of his honors, but he "did not discover this part of the continent, nor did he know, as long as he lived, that the continent he discovered extended to these latitudes. . . . He thought the name of Columbus, if known abroad among the commercial nations, would more naturally carry the mind to some part of South America, or perhaps to the Columbia river far beyond the Mississippi, or the western shores of the continent. The District of Maine is everywhere known as to its situation, commerce and products," and he did not wish to break the association. The convention was wisely of the same mind, and the motion to strike out "Maine" was lost.

The friends of the designation "Commonwealth" were more than ever opposed to the term State, now that it must be coupled with so short a word as Maine, and Mr. Adams, of Gorham, moved to reconsider the vote striking out "Commonwealth" from the report of the committee. The motion was supported by some of the most prominent men in the convention. General Chandler expressed a preference for "Commonwealth" as being more sonorous and respectable. Judge Dana said: "Commonwealth is a more appropriate term, as it better expresses the thing intended to be named; it

is a republic, a government of the people." The Judge, who like Mr. Vance, took a very roseate view of the prospects of the new State, said: "When we consider that in point of wealth, commerce and navigation, and population, this must be the largest State east of New York, the style and title of *State of Maine* would seem to be inapplicable, not significant and rather *small* and diminutive, when compared with *Commonwealth of Maine.* I hope, sir, we shall adopt the latter, which will be more appropriate, will better express our extensive territory, population and wealth." On the other side, Mr. Emery, of Portland, quoted dictionaries to show that there was little difference between the words "State" and "Commonwealth." Mr. Parsons, of Edgecomb, saw no objection to the union of two monosyllables. He said that, "In common parlance, Maine would always be called a State—why then should we style it *Commonwealth?*. What was the use of giving the name of Jonathan, when it would always be called, after all, plain John? Judge Thacher enforced the idea of the gentleman from Edgecomb. There was one style applied in some parts of the Union to the solemnity of judicial proceedings, and another used in the familiarity of ordinary conversation. Virginia, Pennsylvania and Kentucky assumed the solemn style of *Commonwealths,* but they were never spoken of except as *States.* He thought that the *Court* language should be assimilated to the common language as nearly as possible." The motion to reconsider was defeated by a vote of 140 to 101.

Saturday, the 16th, was spent mainly on questions relating to the right of certain delegates to their seats. On the afternoon of Monday, the 18th, the committee on the constitution reported a draft. Mr. Holmes moved to fill the blank which had been left for the name of the State, with the word Maine; when Mr. Whitman, explaining that his service on the committee had prevented him from addressing the convention on this subject, begged leave to enter his dissent from the name suggested, and proposed that of Lygonia[4] instead. But the convention had no wish to reopen the question of the name. Mr. Holmes's motion was carried, and this much disputed matter was at last finally determined.

The constitution consisted of a preamble and ten articles. The preamble resembled in its opening that of the Constitution of the United States, but added an acknowledgment of the goodness shown the people of Maine by the "Great Legislator of the Universe." Article I consisted of a long and detailed declaration of rights. Articles II to VI, inclusive, dealt with the qualifications and duties of electors and officers. The right of suffrage was given to male citizens of the United States, twenty-one years of age, and resident in the State for three months. The only persons excepted were "paupers, men under guardianship, and Indians not taxed." The Legislature was to consist of a House of Representatives and a Senate. Bills

[4]It will be remembered that Lygonia was the name given to the territory granted by the "Plough" patent which was afterward purchased by Cleeve.

for raising revenue were to originate in the House, but to be subject to amendment by the Senate, "provided, that they shall not, under color of amendment, introduce any new matter which does not relate to raising a revenue."

No members of Congress or officers of the United States except postmasters, and no persons holding offices of profit under the State except notaries public, coroners, and officers of the militia, were allowed to sit in the Legislature while holding such offices. The two Houses were given powers in relation to impeachment, similar to those exercised by the national Senate and House. The Representatives were to be chosen by the towns and plantations, the Senators were to be elected by districts, both must be American citizens; the Representatives were to be at least twenty-one years of age, and the Senators, twenty-five.

In the case of a failure to elect Representatives new elections were to be held until a choice was made. But if there was a failure to elect a Senator or if a vacancy occurred in the Senate, the members of the House and such Senators as had been elected were to fill in joint convention the vacancies in each district from a list of the candidates who had received the greatest number of votes, the number of names in the list to be equal to twice the number of vacancies, provided that so many persons had been voted for. That is, if a district were entitled to three Senators, but only elected one, the Representatives and Senators elected should fill the two vacancies by choosing two from the four non-elected candidates who had received the highest popular vote.

The principal executive power was vested in a Governor, to be elected annually. The Governor was required to be thirty years old, a native-born citizen of the United States, and a resident of Maine for five years, or from the adoption of the constitution. He was given the usual powers of an American Governor, including the right to veto bills, command the militia, and to appoint officers, and grant pardons with the consent of his Council. The right of veto must be exercised within five days, exclusive of Sunday, of the passage of the bill on which the veto was to operate, and a "pocket veto" was prevented by a requirement that if the Legislature adjourned before the expiration of the five days, the bill should become a law, unless a veto was sent in within three days after the next meeting of the Legislature. The Governor, although commander-in-chief of the militia, except when in the actual service of the United States was forbidden to march or convey any of the citizens of the State beyond its borders without their consent or that of the Legislature, unless it should become necessary to move them across part of another State in order to protect Maine. The Governor's power of appointment, subject to the approval of the Council, was much more extensive than it is today. He nominated all judicial officers, the Attorney-General, the sheriffs, coroners, registers of probate, and notaries public, and all other officers whose appointment was not otherwise provided for by the constitution or by law.

The Council was to be chosen by joint ballot of the Legislature in convention, and was to consist of seven members who must be citizens of the United States and residents of Maine. Not more than one councillor could be elected from any senatorial district. The Secretary of State, who had charge of the records, and the Treasurer were to be elected by the Legislature; no Treasurer was to engage in business while in office, or to serve more than five years successively. The Governor, Council and Legislature were all to be elected annually by the people. The tenure of office, when not fixed by the constitution or by law, was to be during the pleasure of the Governor and Council.

The sixth article provided that the judicial power of the State should "be vested in a Supreme Judicial Court and such other courts as the Legislature shall from time to time establish." All judicial officers, excepting justices of the peace, were to serve during good behavior, but not beyond the age of seventy years. Justices of the peace and notaries were to have terms of seven years.

The seventh article provided for the organization of the militia and for exemption from service. The eighth article directed that schools and institutions of learning be provided and assisted.

The ninth article dealt with miscellaneous matters. It gave to the Governor and Council the right to remove any officer, if requested by an address of both branches of the Legislature, but the causes must first be entered on the journal of the House in which the address originated, and a copy must be served on the person whose removal was sought, that he might be heard in his defense. The tenth article provided for the election of the first Legislature, fixed the number of the Representatives of the several counties and towns, enacted the conditions on which Massachusetts gave her assent to the separation, and permitted the amendment of the constitution if two-thirds of both Houses of the Legislature should agree on an amendment, and the people, at the next annual election for Governor, should accept it by a majority vote.

The preamble and the declaration of rights, except one section, passed with little opposition. The term "Great Legislator of the Universe" was changed to that of "Sovereign Ruler"; and the authority of the jury in libel cases was strengthened by changing the provision "the jury shall have a right to determine the law and the fact under the direction of the court," to "the jury, after having received the direction of the court, shall have a right to determine, at their discretion, the law and the fact."

The section dealing with religious freedom was discussed at considerable length, and apparently with more feeling than any other subject except that of the apportionment of Senators and Representatives. The section gave full liberty of conscience and of worship, and forbade the granting a legal preference to any sect or denomination, or the establishing of any religious test as a qualification for office. Immediately before the discus-

sion, a memorial was presented to the convention from a committee of the "Catholics of Maine," stating that under the constitution of Massachusetts they were excluded from an equal participation in the benefits of government, and praying that by the new constitution they might be admitted to an equality of religious and civil rights and immunities. Judge Parris remarked, "that the object of the memorialists would doubtless be secured to them by the bill of rights, if adopted as reported, and moved that the petition lie on the table," and it was so ordered.

The section on religious freedom was then taken up. Several of the leading members of the convention, including some of the most prominent Federalists, such as Judge Thacher, of Biddeford, and Messrs. Whitman and Emery, of Portland, felt that the article was of too negative a character. It was moved to make the section also assert the duty of worshipping God; to make it declare that it was the duty of Christians to observe the Sabbath; and to authorize the Legislature "by all suitable means, to encourage and support the institutions of public worship, and of public instruction in the principles of piety, religion and morality." In defense of these amendments it was urged that worship was a duty, and that civil society could not be maintained without religion. Mr. Holmes replied that the declaration before the convention was one of rights, not duties; that the subject of this section was the most difficult which the committee had had to encounter, that they had decided to simply declare the people's rights of conscience, that if they included duties they might introduce a whole system of ethics. "To prescribe the duty, would be to authorize the Legislature to enforce it. This would excite jealousy and alarm. The worship of God is, and ought to be, free. Religious oppression brought our fathers to this country, and their descendants will not fail to resist it."

Mr. Holmes also spoke with great earnestness of the danger that the Legislature would abuse the proposed power. "Every mode," he said, "by which men could harass, torture and destroy one another, has been thought suitable means" to support religion. A similar argument was used by Judge Parris. He said "the word *suitable* is of the most extensive import, sufficiently so to cover any means that any Legislature may adopt, as they, and they alone, are constituted the judges of what is suitable." Such an argument met with ready response from the convention and all amendments were voted down, most of them by large majorities. Mr. Hobbs, of Waterborough, moved an additional clause providing that no one should ever be forced to pay for the building or repairing of any place of worship contrary to his own voluntary engagement. In Massachusetts every man was obliged to contribute to the support of some religious society, and the defeat of the amendments relating to the encouragement of religion was probably due in part to the fear that the churches might acquire a taxing power. Nor does the fear seem unreasonable. One of the members of the convention, Mr. Usher, of Hollis, frankly stated in debate that, "while the people are

protected in their rights, we should guard against their licentiousness. He could see no reason why every one should not be required to contribute in some way to the support of religion and the worship of Almighty God."

Mr. Holmes replied to Mr. Hobbs: "The committee had this subject under consideration. But we concluded that it would be going too far. To say that a man should not be compelled to aid in building a house of worship unless he has given his consent, would be to destroy all corporate powers. Shall a man lay by, and if the place or construction of the building does not exactly suit him, be exempt because he did not *vote?* Most surely this man ought to be bound by all the lawful acts of the corporation, so long as he continues a member." The convention accepted Mr. Holmes's view, and adopted the committe's draft without change.

On October 20 the convention considered the qualifications of electors and, on motion of Mr. Holmes, required the residence which gave the right of suffrage to be for the three months next preceding the election. It was also provided that a student should not acquire the right to vote by residence at any seminary of learning. The committee had denied the suffrage to paupers, persons under guardianship, and Indians not taxed. Mr. Vance, of Calais, moved to add negroes to the list. Mr. Holmes replied, "The 'Indians not taxed' were excluded not on account of their color, but of their political condition. They are under the protection of the State, but they can make and execute their own laws. They have never been considered members of the body politic. But I know of no difference between the rights of the negro and the white man; God Almighty has made none; our declaration of rights has made none. That declares that 'all men (without regard to color) are born equally free and independent.'" Mr. Vance and Dr. Rose spoke in favor of the exclusion of negroes but it was voted down.

After dealing with a few minor matters, the convention passed to the subject of the number and apportionment of the members of the Legislature. This proved to be the most troublesome of all the questions which the convention had to determine. It was debated at much greater length than any other, at times very bitter feeling was shown, and some of the members were so displeased with the results that they refused to sign the constitution. There was a very earnest wish both in the convention and among the people that the House of Representatives should not much exceed one hundred members; but the small towns were determined to keep their right to send Representatives, and the large towns, in the name of sacred equality, demanded a representation in proportion to numbers. It was clearly impossible to fully satisfy men holding such contradictory views.

A like difficulty was encountered in apportioning the members of the first Legislature, and in forming an acceptable plan for a Senate. So serious were the differences that at one point in the debate Mr. Holmes exclaimed: "I am almost inclined to congratulate myself that Massachusetts has given us a provisional constitution; for I begin to doubt whether

we shall be found capable of agreeing upon one for ourselves." Messrs. Whitman, Parris and Emery argued earnestly in favor of creating a small Legislature, with representation according to population. Mr. Whitman, in an able speech, cited the examples of other States and of the United States to prove the advisability of such a course. He said that no Legislature would diminish its own number, that the Legislature of Massachusetts consisted, when the attendance was full, of about seven hundred members; but in high party times neither party would dare move its reduction for fear of being accused of wishing to abridge the right of representation, and thus being rendered odious to the people. Hence Massachusetts had no chance of a reform except by the separation of Maine. Mr. Whitman also said that the national House of Representatives was too large, that it contained 184 members, but that there was no possibility of reducing it, it would rather increase; and, with a clear insight into the future, he told the convention that "the members, on making a new apportionment, after a census, will each look with a single eye to his particular district, and will not reduce the ratio of representation so as to increase the size of his district or diminish the number to which his State shall be entitled."

Judge Thacher argued at some length in favor of the report of the committee which gave each town of 150 inhabitants a representative, and said that he would not have objected to a higher number. He declared himself opposed to the representation of districts according to their population. He admitted that "by a constant increase of towns the House might be thought too numerous"; but claimed "that many advantages result from the evil; every member gains much useful information and carries it to his town. The Legislature is an important school, and the members from distant country towns that have but little connection with the great political world, return home as teachers and schoolmasters." Mr. Herrick, of Bowdoinham, agreed with Judge Thacher that a representative was useful as a kind of animated newspaper. "If there are few who are concerned in making laws," he said, "it will be more difficult to satisfy the people of their reasonableness. If our representation is to be so thin that but one representative in eight or ten miles square is to be chosen, the commonalty will have little or no opportunity to obtain information of the measures of the government, and explanations of the policy and propriety of the acts of the Legislature." Mr. Herrick closed his remarks with a sentiment which might well serve as a motto for all public speakers: "I have nothing more, sir, to say which may be considered pertinent, and I should be unwilling to offer anything which is unpertinent" (that is, not bearing on the question).

Mr. Baldwin, of Mercer, attempted to meet the demand of the large towns for a representation in proportion to their numbers, by arguing that they would be virtually, over, not under, represented. "Gentlemen who have

spent the greater part of their lives in study, and especially the study of elocution, and that on purpose to enable them to shine in courts, will generally settle in cities or populous places; the reason is, money is always scarce in new settlements; there is nothing to induce men of great abilities, especially men of great acquired abilities, to settle in new and thinly inhabited places; money is the lure. Now, Sir, I have said it, and am bold to say it again, that one gentleman from Portland has more influence in this convention than the whole delegation from Somerset county, which has twenty-nine members. The reason is obvious. The members from country places are mostly farmers; and they will generally sit from one end of the session to the other without saying a word. Where there is an assemblage of the most brilliant talents and literary accomplishments from all parts of the State, the farmer is loath to expose his ignorance and weakness, and hazard being made the butt of ridicule for his blunders and every-day language. And if now and then one dares venture out, and blunder on in his homemade, everyday, farmer dialect, his only security is confidence. If he has plenty of brass and a good share of common sense, he may possibly jog on, and hold up his end tolerably well, in a ludicrous manner; but such instances are rare. For the most part (and I repeat it with confidence), one man who is master of all the alluring, persuasive, and insinuating charms of eloquence, will carry more sway in a legislative body than thirty silent members from the country."

The delegates from the larger towns were not satisfied by such arguments, especially as no concessions were made to them in the apportionment of Senators or in the method of paying members. Massachusetts apportioned the Senators among the counties according to the amount of taxes paid, thus giving property a kind of representation. But nothing of this sort was proposed in the constitution before the convention. One member politely asked Mr. Holmes if the committee had considered this matter and, if so, why no such provision was made. He received the curt reply that the answer to the first question was "yes," to the second, "no," because they had seen no reason for doing so. But the delegates from the larger towns believed that the climax of injustice was reached when it was proposed that the salaries of the Representatives should be a charge upon the State treasury. They felt like the man who had been tarred and feathered and then was requested to pay for the ruined feather-bed. Deprived of a proportional representation in the House, refused a counterbalance in the Senate, they were now asked to (partially) relieve the towns of the cost of what they deemed the unfair advantage given them. In vain it was pointed out that a Representative was a servant of the whole State, that many of the towns might fail to send members if they were obliged to pay them themselves, and that it would be a great evil to have large districts unrepresented. Probably the larger towns thought that this was no fault of theirs, and, indeed, hoped that such would be the case, since their relative weight in State matters would thereby be increased.

The conduct of John Holmes added to the irritation. Many of the delegates believed that he had been exerting all his great skill as a politician to stir up jealousy in the small towns and unite them against the larger, and during the debate he had given much offense by quoting Jefferson as saying that "great cities were great sores." When, during the evening session, Mr. Emery, of Portland, rose to speak at about eleven, he was greeted in one or two quarters by a shuffling of feet and a calling for the question. His indignant protest was met by the president with conciliatory language, and Mr. Emery spoke for about an hour. He begged that time be allowed to consider other plans which had been presented. "Shall it be said," he asked, "that this most momentous of all questions was settled in a midnight session?" An adjournment was carried, but no concessions were made to the large towns.

The section relating to the Governor was passed with little debate and with only verbal amendments; but the one establishing a Council met with considerable opposition. Dr. Rose, of Boothbay, moved to strike out the whole section, and, when his motion was defeated, attempted to reduce the number of councillors. He said, "The Executive of most of the other States acts without a council, and no complaint is made of the want of one. New York has one, which they would be glad to get rid of. I believe we can get a Governor as capable of doing the business of the executive alone, as other States. If we give him a council, we not only incur a useless expense, but divide the responsibility, and open a door for intrigue. The senators will come from all parts of the State, and will give him all the information he could obtain from a council. And besides, as has heretofore been the case, he may have a council in whom he has no confidence."

Mr. Holmes replied that he had made the same argument in committee, but that he had received such information as to the amount of work done by the Council that he believed it wise to retain it. Mr. Whitman, who had formerly been on the Council, and Judge Bridge, who was then a member, explained that the Council with the Governor supervised the payment of money from the treasury, that they assisted the Governor in examining the numerous applications for pardon and the many requests made to him as commander-in-chief for the organization or consolidation of companies of militia. "On the whole, sir," said Mr. Whitman, "I believe there is no other body of men whatever, who have, under the constitution of Massachusetts, performed so much and so important service, at so small an expense." The convention decided to retain the Council, and also refused by a vote of 110 to 74 to reduce the number of members.

Mr. Baldwin moved that the councillors be elected by the people. He said that if they were chosen by the Legislature they would be of the same political complexion as the majority, but if elected by the people they would "represent the different political views of the different parts of the country." Neither Mr. Baldwin nor any other member of the convention seems

to have realized the disadvantage of having an executive body divided politically. It was said, however, that the districting of the State for councillors would produce collisions and that the members of the Legislature would be the best fitted to make the selections; and Mr. Baldwin's motion was lost.

The next section considered was that relating to the militia. The militia then included, speaking broadly, all citizens of military age, but the Legislature of Massachusetts had made many exemptions. The committee had exempted Shakers and Quakers, but limited the right of the Legislature to exempt. The subject provoked much discussion. It was moved that Quakers and Shakers be required to pay an equivalent, that all persons having conscientious scruples be excused both from serving and paying money,[5] that ministers of the gospel be exempted, and that only such ministers be exempted as were ordained and settled. Judge Thacher, in one of the longest speeches delivered in the convention, defended the exemption of Quakers and Shakers from service, but argued that the Scripture gave no countenance to their refusing to pay an equivalent. He also spoke of the danger of allowing men to escape a tax if they could find a conscientious scruple against paying it. A similar argument was advanced against exempting all who acted as ministers. The convention finally provided that "persons of the denominations of Quakers and Shakers, justices of the Supreme Judicial Court and ministers of the gospel, may (not shall) be exempted from military duty, but no other person of the age of eighteen and under the age of forty-five years, excepting officers of the militia, who have been honorably discharged, shall be so exempted, unless he shall pay an equivalent to be fixed by law."

The next section of the constitution was headed Literature. It stated that: "A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the State." But no grant could be made to any literary institution unless at the time of making the grant, the Governor and Council should have the power of revising and regulating the doings of the trustees and government of such institution, in the selection of its officers and the management of its funds. This limitation was probably due to the famous decision of the United States Supreme Court in the Dartmouth College case, which had been rendered within the year. The court decided that a college charter was a contract, and therefore

[5]The Quakers could not conscientiously pay or receive money as an equivalent for military service. It was stated that some old soldiers of the Revolution, who had become Quakers after their discharge, refused to draw pensions.

incapable of alteration by the Legislature. Moreover, the articles of separation forbade any alteration in the charter of Bowdoin College except with the consent of the college or by action in the courts according to the principles of law. Dartmouth and Bowdoin had been Federal in their influence. Maine was Democratic. There was a strong feeling that the people should exercise some control over the only college in the State, and that if the college were to be governed solely by boards which filled their own vacancies, it would in time fall into the hands of family, ecclesiastical or political cliques. It was also felt that so long as Bowdoin remained under the authority of a "foreign power" (Massachusetts) it ought not to receive one cent from the State of Maine. Personal prejudice may also have played a part. John Holmes, the chairman of the committee that drafted the constitution, had been counsel for the losing side in the Dartmouth College case. William King, the president of the convention, had a deep grudge against Bowdoin because its agent had adopted what were perhaps unnecessarily vigorous means to ensure his payment of a bond which he had given as surety for the college treasurer. Nehemiah Cleveland, in his history of Bowdoin, says that General King was the author of the provision in the constitution making State aid conditional on submission to the legislative will.[6] In February, 1870, Samuel Benson stated that in 1834 he heard King tell a committee on education of the Maine House that he had visited Jefferson at Monticello before the meeting of the convention, that they discussed the general provisions which should go into the constitution, and that the ex-President dwelt especially on the importance of education, calling it the main pillar of the prosperity and character of the State. General King said that at his request Mr. Jefferson wrote out the substance, if not the exact words, of the article on literature, which, says Mr. Benson, was inserted through King's influence.

But while the convention was determined that the State should have some control over any institution which it aided, it so far modified the draft of the committee as to transfer the supervising authority to the Legislature, which would be slower to exercise it than the Governor and Council, and changed the authority of revising the selection of officers and management of funds to a right to modify the character of any literary institution "present or future," in such a manner "as shall be judged necessary to promote the best interests thereof."

The convention fixed the number of Representatives and Senators, named the districts which were to choose them, and elected Ashur Ware Secretary of State *pro tempore*. The various articles of the constitution having been reported as correctly engrossed, and in some cases amended, the constitution as a whole was adopted by a vote of 236 to 30.

The convention directed that an application be made to Congress for admission as a State, and selected Portland as the first place of meeting of

[6] General King became afterward a trustee, friend and benefactor of the college.

the Legislature. The constitution was then subscribed by the president and secretary, and all of the delegates but 31, who refused to sign, probably because of their dissatisfaction with the treatment of the question of representation, and the convention then adjourned till the first Wednesday in January. They reassembled on that date, examined the returns, and found that there were 9,837 votes "legally and seasonably cast," 9,050 of which were in favor of the constitution, and 796 opposed. More than a thousand votes, of which only 77 were against the adoption of the constitution, were not counted because of irregularities.

After some other business had been transacted, Judge Thacher moved "That the thanks of this convention be presented to the Hon. William King, for the dignified and impartial manner in which he has discharged the duties of the chair during our deliberations." The resolution was adopted unanimously. Mr. King replied: "Gentlemen of the convention, for the sentiments which you have expressed I feel particularly grateful. They come, I perceive, from an old and respected friend, from whom political considerations have perhaps too long separated me. My friend on this occasion does not remember them; they are therefore erased from my recollection forever. The constitution, gentlemen, which you presented with so much unanimity to our fellow-citizens, an unexampled majority have adopted. Your business has therefore now terminated; to the public it has been most useful, to yourselves most honorable, being now enrolled as the fathers of the constitution. Permit me, gentlemen, to hope that the constitution with which God has been pleased through you to bless us, may long preserve the liberties and promote the happiness of all our fellow-citizens, and that for your services you may not only receive the respect of the virtuous of your own times, but the regard of posterity." On the motion of Judge Cony the convention adjourned without day.

The constitution had not only been well received by the people of the State, but it met with favorable notice beyond its borders. The Boston *Centinel* stated that "Good judges say it will not suffer by a comparison with the best in the United States." The New Hampshire *Patriot* praised the college grant provision, and the Alexandria *Herald* said of the convention that "Much ability and talent appears from the report before us to have been displayed by the different speakers."

Maine had accepted the terms of separation, in the manner prescribed by Massachusetts, and had adopted a constitution, the propriety of her becoming a separate State was recognized throughout the Union, and under ordinary circumstances she would have been admitted without question or delay; but the circumstances were not ordinary, and at the last moment the movement for Statehood was threatened with defeat, for the application of Maine had become involved in the bitter struggle over the "Missouri question."

For several years the territory of Missouri had been desirous of becom-

ing a State; the Legislature applied to Congress for admission, and in the session of 1818-1819 the House of Representatives passed a bill admitting Missouri, but on condition that no more slaves should be brought into the State, and that all children of slaves born after admission should become free at the age of twenty-five. The Senate struck out this limitation on the rights of a sovereign State, the House refused to accept the amendment, neither would give way, and Congress adjourned without taking action on the admission of Missouri. The failure to provide against the extension of slavery caused great disappointment in the North. Pamphlets were published, sermons preached, and mass-meetings held to demand the restriction of slavery. Many Legislatures passed resolutions calling on Congress to refuse to admit Missouri except on conditions similar to those laid down by the House of Representatives. The agitation at the North provoked a counter-agitation at the South, and when Congress met in December, 1819, both parties were highly excited and determined not to yield. The memorial of Maine asking for admission was referred to a select committee, and on December 31 they reported a bill for that purpose.

Here was an opportunity for the opponents of the prohibition of slavery in Missouri. The vote on the latter question would be very close, it was possible that the seven Representatives from Maine might consent to waive their objections to the reception of another slave State into the Union if the sacrifice were necessary to secure the admission of Maine, and their votes might turn the nicely balanced scale. The temptation would be the stronger because the consent of Massachusetts to the separation of Maine was given on condition that the bill admitting her be passed before the fourth of March, 1820, and should Congress fail to act, the vote of the District in favor of Statehood, and the ratification of the constitution presented by the Portland convention would become of no effect.

The Southerners promptly attempted to make Maine a hostage for the admission of Missouri on their own terms. The House considered the Maine bill in committee of the whole. A motion to report it to the House for passage was made, and Henry Clay, whose position as speaker might be thought to lay him under an especial obligation to discuss the question with calmness and moderation, rose and attacked the motion in a long and bitter speech. He declared that his own State of Kentucky had been kept out of the Union a year and a half until Vermont was ready, and that the South had as much right to make the unrestricted admission of Missouri a condition of the admission of Maine as the North had to strip Missouri of a portion of her sovereignty by denying her the right to pass such laws on the subject of slavery as she might see fit. The House, however, considered these arguments unsound, and passed the Maine bill by a small majority. The Senate also by a small majority amended it by adding a bill for the admission of Missouri without any restriction in regard to slavery.

The bill now went back to the House, which was hotly debating a Missouri bill of its own. The struggle in both Senate and House was the fiercer since the question at issue was by no means a purely humanitarian one. Rufus King, who led the restrictionists in the Senate, with great ability, spoke of the contest as one for political power, and though he later endeavored to explain away or modify his words, which had been eagerly seized on by the Southerners, his private correspondence shows that he felt that if this attempt to check the spread of slavery failed, the power of the South would be so firmly established that "old Mr. Adams, as he is the first, will on this hypothesis be the last president from a free State." Other Northern public men doubtless held similar opinions, while the Southerners were keenly aware of the disadvantages under which they would labor should slavery be confined within its present limits.

The contest over Missouri was also in some degree a party one. Complaints of the domination of the slave States had come mostly, though by no means entirely, from the Federalists; many former Federalists led in the effort to exclude slavery from Missouri, and Mr. King himself had been the candidate of the Federalist remnant at the last presidential election.[1] This phase of the "Missouri question" proved of considerable advantage to the South, for it gave Democratic Senators and Representatives from the North an opportunity of arguing with some show of reason that the movement for restriction, though masquerading as an attack on slavery, was in truth an attempt to revive the Federal party.

The Representatives from Maine found themselves in a most embarrassing position. If they favored restriction, the South might revenge herself by voting against the admission of Maine, but there were also the personal questions seldom wholly absent from the mind of a Congressman, what will my constituents say? What effect will the course that I wish to take have on my re-election? Such problems must have been especially perplexing to Representatives Holmes and Hill, who, for the sake of securing the admission of Maine, were inclined to vote with the South. The attitude of the leading Democratic paper in Maine, the *Argus,* encouraged them to do so. In an editorial of December 21 it said that the Missouri question might safely be left to the wisdom of Congress, and stated at some length the "dilution argument," that the number of slaves would not be increased by permitting slavery in Missouri, and that by spreading them over a greater extent of country they would be less numerous in proportion to the whites in the slave States and territories, and therefore less dangerous and more valuable, and would be treated with greater kindness.

On January 11, 1820, the *Argus* took more definitely a position like

[1] William King seems to have expected a reorganization of parties, that one would be formed of the most moderate and the best of the Federalists and the Democrats, and that it might elect his brother Rufus, President. John Quincy Adams thought that Senator King hoped to obtain the office as a result of his opposition to the extension of slavery, but there is nothing in Mr. King's own letters to support such a theory.

that of the South, and gave an early example of the willingness of many Northern papers and politicians to cringe before the slave power. It did indeed declare the making the admission of Maine dependent upon that of Missouri to be unjust, but said that it was the duty of the Representatives from Maine to see that she was admitted before March 4. "The people expect it and will, we believe, take no excuse for neglect. One word more. If our brethren of the South feel some degree of irritation on account of the clamor that has been raised in the Eastern States during the last summer, it ought to be remembered that this clamor was not raised in Maine, nor has it been encouraged here. An attempt was made by a few busy meddling persons to call meetings in different parts of the State, but they have been uniformly discouraged. We have been willing to submit the question to the unbiased decision of the proper authority, and in that decision, whatever it may be, we shall acquiesce."

In other quarters, however, the prospects were not so cheering for Representatives from Maine who should vote with the South.[8] The popular movement for restriction of slavery had probably been stronger than the *Argus* admitted. Not only were most of the Federalists and their principal paper, the Portland *Gazette,* supporting restriction, but many Republicans had declared themselves in favor of it, believing that the people would approve their doing so.

On January 3rd, Congressman Hill wrote to King, angrily demanding, "Are those from Maine who would prefer a positive good rather than quarrel about doubtful rights, to be mobbed, blackguarded and villified on their return, provided they should feel it their duty to take this course, *this choice of evils,* or will our constituents come out and support us in this trying dilemma? Let us know your opinion immediately, but do not anything in this regard by a public act of your convention (the constitutional convention was about to reassemble to count and declare the votes on ratifying the constitution), but do it through the medium of a committee, if anything is done more than through individuals."

Mr. Hill evidently relied on the influence of a few leaders, rather than on general public opinion. He then proceeded to give advice as to where pressure was needed and would do the most good. "Be careful," he says, "to write fully and decidedly to Messrs. L. (Lincoln), P. (Parker) and K. (Kinsley); as for M. W. (Mr. Whitman), I do not know what can be done with him." Three days later he wrote again, describing the attitude of the Maine members and urging that influence be brought to bear to make them vote as a unit against restriction. He said: "One of our members says, 'Why let us unite with the North & put down Slavery, else our characters will suffer & if we do not get admitted now, Massachusetts will modify

[8]There was intense feeling in the District on this matter. Judge Cony wrote to Rufus King, "We protest, solemnly protest, against coupling the destiny of Maine, the civilized, populous State of Maine (300,000 free inhabitants), with the trackless regions, the dreary wastes, the sable tribes of the Missouri beyond the Mississippi."

the law and we can come in next year!' Another says, 'I have already voted once in favor of the restriction & every man has pride of character about him as I must be consistent, & if the people of Maine don't like it, I can move away and live somewhere else.' Another says the Senate 'is a set of d——d n——gs if they so demean themselves by adhering to this counsel!' Mr. Whitman will go as he chooses. Mr. C. (Cushman) will be willing (as it appears) to act prudently, and Mr. Holmes has no difficulty. . . . Mr. Lincoln appears to be determined to vote as he did before, let come what will. Our members must be *written* to and instructed to act together, or the whole thing will have the go by at last, and the thought of it is enough to make one feel desperate. Johnson, of Belfast, is writing Kinsley, and others from various parts of the district are fanning the flame, and plainly declare that Maine ought to be sacrificed, rather than flinch from the restriction on Missouri."

Early in February, Senator Mellen, who was a resident of Maine, received a letter from a committee of the Maine members of the Massachusetts Legislature, from which the inference was drawn that the Maine Representatives at Washington were expected to support restriction. This was not the kind of a letter Hill desired, and he wrote to King in angry remonstrance: "I am for going as far as anybody to restrict slavery, if it can be done without setting the United States on fire, for I think the welfare of 8 millions of whites are of more importance than a question about the black populations and that the preservation of the Union, & the admission of Maine of more importance than the doubtful right by the constitution to meddle with State sovereignty on the present question." On February 9 he asked King to let the Maine Representatives know if it was necessary that admission should take place at the present session, because if so, they "might think it expedient to use facilities that in the other case would not be resorted to."

On the 23rd of February, King wrote to Holmes that he thought that the latter should agree to the compromise if nothing better could be obtained, that it was much better than was expected, and that he hoped that the whole Maine delegation would accede to it, as it was of the greatest importance that the question should be put to rest.

The Maine Representatives also feared that Congress might unintentionally defeat admission by delaying action until after March 4. Early in January Holmes and Hill had suggested to Senator Mellen and the Maine delegation in the House that a memorial in behalf of Maine be presented to the Senate by her representatives, but these gentlemen did not favor the plan. Later, however, a letter of instructions which apparently approved such action was received. Holmes and Hill then renewed their efforts and Mr. Mellen now gave the plan his approval, saying that it could do no harm and might do good. Representatives Parker and Whitman also consented to sign, but the others refused. Holmes and Hill at once had a memorial

drawn up. If it was to be presented at all, it was clear that it should be signed by the whole delegation, and Kinsley and Cushman agreed to submit to the wishes of the majority, but Lincoln refused. He said that he feared that its presentation might be considered as out of the ordinary course of procedure. The memorial stated that the signers "hope and trust that the peculiarity of their situation will be their apology for urging that those other claims may be brought to a decision, and in believing that after five weeks' debate on a subject with which they have been unfortunately connected, Congress will for their sakes practise a brevity which the crisis demands." The memorial was presented to the House of Representatives on February 22, read and laid on the table.

Action was also taken in Boston to prevent the ill consequences of delay by Congress. On February 1 the Maine Senators and Representatives in the Massachusetts Legislature met and appointed a committee to draw a memorial to be presented the next day, asking that the time allowed for obtaining the consent of Congress to the admission of Maine be extended. This request was granted, and Massachusetts extended the time two years. The Maine Representatives at Washington, however, were very desirous of obtaining admission at once, and had become extremely anxious lest action might not be taken before March 4. Unexpected obstacles appeared, Hill wrote to King, "Notwithstanding our most pressing & urgent expostulations, Mr. Randolph took the floor at 12 o'clock today & occupied it until 5, when Mr. Rhea rose and went on some time, and after three trials the House at last adjourned until the morning, when the subject will be renewed. What renders it more unpleasant is, that Mr. Walker, a member from Kentucky, is every moment expected to draw his last breath, which in the unfortunate event of his death, will suspend all business for two days."

Mr. Walker died on the first of March, but as he had expressed a wish "to be buried without pomp or parade, attended by a few only of his friends," the House did not adjourn for his funeral. There was, therefore, no break in the sessions, and at the last moment a compromise was agreed on. Maine and Missouri were to be admitted by separate bills; Missouri was to come in without conditions as to slavery, but all the other territory in the Louisiana Purchase north of 36° 30′, the southern boundary of Missouri, was to be forever free. The Maine bill was hurried through and was signed by the President on March 3.

Only seven votes from New England were given for the compromise, and two of them, those of Holmes and Hill, were from Maine. The other Maine members voted against it, Cushman made a would-be-eloquent speech which though somewhat ridiculous because of its over-strained rhetoric, contained a strong plea for nationality which placed him with the forces of the future rather than of the past. Not content with opposing the compromise in the House, Messrs. Cushman, Kinsley, Lincoln and

Whitman issued an address declaring that the North had been unfairly treated, that the power of the South had been greatly increased, and that the prohibition of slavery north of 36° 30′ was practically valueless, since two-thirds of the Senate must assent to treaties for purchasing these lands from the Indians and the South could therefore prevent the acquisition of the territory north of 36° 30′ forever.

Holmes and Hill were alarmed by what was in substance a public attack upon them. The *Gazette,* too, was assailing in the bitterest terms all who would acquiesce in the admission of Missouri without restriction. In these circumstances it was hard to decide what was the safest course to take. Among Holmes' papers are interesting though contradictory letters of advice from two of the most experienced politicians in Maine, General King and J. F. Wingate. The former wrote, "The gentlemen who contemplated a new party, the North against the South, will in this State I am sure be much disappointed; we are now taking measures to have all the Republican papers in Maine give such a direction to this business as will destroy their hopes here." General King advised Holmes to say that he and Hill had secured the independence of Maine, that the proposed restriction on Missouri was unconstitutional, and dangerous to the Union, and that it would be unjust to exclude slavery after the Federal Government had allowed it to go into Missouri, and had sold lands there to slaveholders who bought in the belief that Missouri was to be a slave State. But General King also recommended Holmes to make no use of the argument which had been so effective with many Democrats, that the restriction movement was really a Federalist one. Many Federalists, he said, were willing to justify Holmes and exert themselves in his behalf, but if he attacked the opposition to the admission of Missouri as a political plot, he would seriously offend these men.

Mr. Wingate's views were entirely different. After stating that Holmes was well informed in regard to King's opinion that it would be unwise to declare the movement against admitting Missouri a Federalist conspiracy, Mr. Wingate said: "It may be so. My own opinion, however, has been that we should gain more by uniting, in this way, the scattered forces of the Republicans, than we should lose by an open & independent course toward the opposition. Besides many Republicans are already committed upon this subject, and would rejoice at finding a satisfactory apology for abandoning their present ground—by making it a party argument of the Federalists this apology is certainly furnished them. Most of the separation Federalists who are to be honest administration men, will not desert us for any trifling imaginary cause. They are desirous of being viewed as entirely a distinct party from their former associates. The others will not suffer an opportunity to pass however tender [*sic*] we may treat them, of doing us all the harm in their power. Their malignity to the Republicans is wholly unabated. . . . Another election will see them in full opposi-

tion to the State administration—at least if it is the kind of administration *we ought to have* in Maine." The letter closed with the statement that the writer did not wish to influence Mr. Holmes in the matter of the address, but that he might be sure that his election to the United States Senate was safe without his conciliating the Federalists.

Holmes decided to issue an address on the lines advised by General King. In former days they had both been Federalists, and may have retained some sympathy with the more moderate of their former allies. Hill also published a justification of his conduct. Holmes sent a copy of his defense to Jefferson, who replied in an often quoted letter approving of the compromise as a means of saving the country for the present, but prophesying the ultimate dissolution of the Union as a result of establishing "a geographical line coinciding with a marked moral principle."

About the time of the publication of the address of the four Congressmen, letters appeared in the *Argus* showing a readiness to utterly disregard the interests of the negroes when the welfare of the people of Maine was affected. One correspondent said of a proposed doubling of the duty on molasses, that the change would be more injurious to Maine than to any State in the Union, that such a duty would prevent the distilling of molasses, which was imported from the West Indies, into rum, and so ruin the lumber trade, since lumber was exported to pay for the molasses. The correspondent said that Maine Representatives had sent home full reports on the Missouri bill, but had done little in regard to the tariff, and asked, "Can it be that our representatives feel a deeper interest in the southern slaves than in the prosperity of their constituents? . . . It is of little consequence to us whether the southern blacks live on one side or the other of the Mississippi or on both, but it is of infinite importance to us to preserve our trade with the West Indies."[10]

Another letter stated that the interests of New England and of the South were not antagonistic but complementary. Their products were different and they exchanged them to mutual advantage. On the other hand, the northern part of the Mississippi valley raised the same products as did New England, and an increased supply of them would injure the whole farming interests of that section of the country. Therefore, it was implied, anything which retarded the development of the Northwest would be for the advantage of Maine. Then, under the form of offering an excuse, the correspondent dealt a final stab to those Representatives of an agricultural State who had voted for the restriction on Missouri, "as the gentlemen who opposed the compromise are not farmers, their apology no doubt is, they did not understand much about that interest."[11]

It had been supposed that Congress and the country would have no more trouble with Missouri, but her conduct gave rise to a second and

[10]W. Argus, April 11, 1820.
[11]W. Argus, March 21, 1820.

perhaps more dangerous dispute. Missouri had passed an act forbidding the immigration of free negroes, and the anti-slavery men declared the law unconstitutional and demanded that Missouri should be kept out of the Union until she changed it. The Southerners replied that the provision objected to was constitutional, cited many laws against negroes, and strangers from other States passed by Northern Legislatures, and declared that Missouri was now a sovereign State and had the right to do as she pleased in the matter.

The attitude of the Maine Senators, Messrs. Chandler and Holmes, was of special importance, for if they opposed the admission of Missouri the South might feel that the North was using the advantage she had won by the first Missouri compromise to escape performing her part of the contract. Fortunately, however, both the Maine Senators spoke and voted in favor of the admission of Missouri. General Chandler's speech was simple and very brief, but Mr. Holmes showed a readiness to please both sides, a subtlety and a willingness to put forth admittedly doubtful propositions, worthy of "The Duke of Summersets," and the champion of the Portland convention's interpretation of the five-ninths clause. With great ingenuity he argued that the provision respecting negroes in the Missouri constitution need not mean all that it was supposed to mean. Although he had opposed the refusal of the ballot to the negroes of Maine, saying, "I know of no difference between the rights of the negro and the white man—God Almighty has made none," Mr. Holmes now spoke of the low character of the negroes and said that the proposition that the framers of the constitution intended to permit a negro to be a member of Congress or President was too absurd to be entertained for a moment. But he also said that the weaknesses of character of the negroes were due to the injustice with which they had been treated, and that it was the duty of the States which had wrongfully laid hold upon them and had had the benefit of their labor, to themselves bear the resulting inconveniences. Mr. Holmes suggested that if a State could not prevent the immigration of negroes, another State, desiring to emancipate and remove her own slaves, might buy from the United States large tracts of the public land which the national government still owned in the new States of the West, and settle thousands of negroes on them. Nothing could have been more displeasing to Indiana and Illinois, and even in Maine there were doubtless many who sincerely pitied the negro in the South, but who would sympathize with the attempt of a free State to prevent itself from being overrun with blacks.

After a sharp struggle, Missouri was received into the Union with a formal limitation of her power of excluding immigrants, which was of no importance either legally or practically.

The news that admission had been secured at last, was received in Maine with great joy, and the fifteenth of March, the birthday of the

State, was celebrated in the principal towns with festivities like those of the Fourth of July. The *Argus* of March 21 said:

"Thursday last witnessed the birth of a new State, and ushered *Maine* into the Union. The day was noticed, as far as we have heard from the various towns, by every demonstration of joy and heartfelt congratulation, becoming the occasion. In this town salutes were fired in the morning, at noon, and at sunset,—the independent companies were under arms, and appeared in their usual style of military excellence,—the ships in our harbor displayed their flags—the Observatory and adjacent buildings were brilliantly illuminated, in the evening, and the celebration closed with a splendid ball. . . . May the day which has so auspiciously commenced our political existence as a State, long be remembered with complacent feelings and every annual return bring with it, by the many blessings it may produce, additional inducement for its celebration."

But though Maine was now in the Union, with a constitution of her own, her Governor, Treasurer and Secretary of State were mere temporary officers elected by the constitutional convention to act until their successors could be chosen in a regular manner. No time was lost in providing a permanent government. On March 14, a meeting of members of the late constitutional convention unanimously nominated General King for Governor, and sent a committee to request him to be a candidate. General King replied that the office was by no means the most desirable in Maine, and that he could not accept it unless it were understood that he should administer the government as he and his friends had pledged themselves to do during the movement for separation, that is, in a non-partisan manner. He said that if after this statement, his friends should persist in the nomination, he would not refuse it. As King had been planning for years to be Governor of Maine, the coy reluctance displayed in his reply was probably of the *nolo episcopari* order.

It may seem strange that he did not prefer a United States Senatorship to the office of Governor. But he probably felt that it would be a distinguished honor to be the first Governor of the State, and he had plans for the development of Maine, the buying of the lands reserved by Massachusetts, and the bringing in of manufactures, which he could do much more to further as Governor than as Senator. Moreover, he might well believe that the senatorship was only postponed, and that the prestige of a successful governorship, combined with his experience and influence as a political leader, would enable him to enter the Senate almost at will.

Whatever King's motives, and however much some of the radical Republicans may have disliked his insistence on welcoming the Federalists as political brethren, the convention, even had it wished, could hardly have retraced its steps, and the report of the committee was at once followed by King's unanimous nomination. The election was practically uncontested. A few Federalists voted for some one else, others did not vote at all, but when the ballots were counted it was found that King had

21,083 votes in a total of 22,014. A Legislature was elected at the same time, and met at Portland on the thirty-first of May. Benjamin Ames, of Bath, was chosen speaker, and General Chandler, president of the Senate.

Governor King in his first message paid a generous tribute to Massachusetts. He said: "The political connection which has so long subsisted between Massachusetts and Maine being dissolved, it is a source of much satisfaction to reflect, that the measures adopted for its accomplishment, have effected the object in the most friendly manner. A great and powerful Commonwealth yielding up her jurisdiction over a large portion of her citizens and territory over whom she held an undisputed and rightful sovereignty; the citizens peaceably and quietly forming themselves into a new and independent State, framing and adopting with unexampled harmony and unanimity a constitution, embracing all the essential principles of liberty and good government; these are events, which constitute a memorable era in the history of our State—events for which no doubt, you as well as our fellow-citizens in general will acknowledge with gratitude that divine goodness, which directs and controls the concerns of men."

King said that though a large majority of the Legislature which passed the act of separation was from Massachusetts proper and could therefore make whatever demands they pleased, "the principles on which they acted were so equitable and just as to receive general approbation. By this correct and wise course of policy, the executive and legislative departments of that government have laid the foundations of a lasting harmony between the two States."

The Governor then made numerous recommendations in regard to the development of the State and its industries. He laid particular stress on the importance of a wise management of the public lands, advising the Legislature to avoid the error of selling in large quantities to companies, and to care for the preservation of the timber. He also strongly recommended the encouragement of manufactures.

The first completed legislative action of the new State was the passage of a resolve concerning the holding of the circuit courts of common pleas. The first law was one for the incorporation of the Augusta Union Society, "its estate to be used exclusively for the improvement of morals and the diffusion of useful knowledge."

A State seal was necessary for the transaction of business and a committee was appointed to prepare a design. The committee reported a device for the seal and arms which they thus described in the language of heraldry:

A Shield argent, charged with a Pine Tree, a Moose Deer at the foot of it, recumbent.

Supporters—On dexter side an Husbandman, resting on a scythe; on sinister side, a Seaman resting on an anchor.

In the foreground, representing land and sea, and under the Shield, the name of the State, in large Roman Capitals, to wit: MAINE.

The whole surmounted by a Crest—the North Star.

Motto—In a label interposed between the Shield and Crest, in small Roman Capitals, viz: DIRIGO.

Then followed a description of a moose and a mast pine. Next came an explanation of the emblems:

Crest—As in the Arms of the United States a cluster of stars represents the States, composing the Nation, the North Star may be particularly applicable to the most northern member of the confederacy, or as indicating the local situation of the most northern State in the Union.

Motto—Dirigo (I guide, or I direct). As the Polar Star has been considered the mariner's guide and director in conducting the ship over the pathless ocean to the desired haven, and as the center of magnetic attraction, as it has been figuratively used to denote the point, to which all affections turn, and as it is here intended to represent the State, it may be considered the citizen's guide, and the object to which the patriot's best exertions should be directed.

Shield—The Pine Tree. The stately pine, with its straight body, erect head, and ever green foliage, and whose beauty is exceeded only by its usefulness, while it represents the State, will excite the constant prayer of its citizens, *semper viridis.*

The Moose Deer—A native animal of the State, which retires before the approaching steps of human inhabitancy, in his recumbent posture and undisturbed situation denotes the extent of unsettled lands, which future years may see the abodes of successive generations of men whose spirit of independence shall be as untamed as this emblem, and whose liberty shall be unrestricted as the range of the Moose Deer.

The Supporters of the Shield, a Husbandman with a scythe represents Agriculture generally, and more particularly that of a grazing country, while a Seaman resting on an anchor represents Commerce and Fisheries; and both indicate, that the State is supported by these primary vocations of its inhabitants.

The *Argus* said:

"We understand this report is from the pen of Colonel I. G. Reed. It has been well received, and is not only creditable to him but to the State also.

"As the historian may feel inclined to record it, we observe that two series of brilliant northern lights ushered in the birth of our new State; one occuring while the constitution was forming; and the other while we were making our first elections under it. Had not mechanical objections presented themselves, this circumstance (as being one of good augury) might possibly have found a notice in the armorial bearings of the State, under the shape of an electric bow with rays issuing from it; accompanied with a motto from Paul's discourse to Agrippa: 'I saw in the way a light.' This emblem of the aurora borealis, like that of the polar star, was indicative of our northern position; and the two emblems together might have formed, what is not unprecedented, a *double crest,* being in truth a *fac simile* (or exact likeness) of what occurs in nature, the star being always uppermost when both appear together; and being accordingly so placed in a drawing for the whole of the proposed arms sketched out for the use of the committee. The other part of the proposed arms being all adopted, the

motto *Dirigo* was made to take the place of the bow, as the bow was rejected; and a new drawing was executed on the occasion, suited to the wishes of the committee. The chief difficulty arising from this arrangement has been, that the rules of heraldry are violated by it; for the motto now separates the crest from the shield and its supporters, whereas the motto should have been either below or above the whole."

Notwithstanding the false heraldry, the Legislature accepted the design without change. The motto met with some criticism outside the State. It was said that Maine showed little modesty in claiming to lead the older States. The *Argus,* however, proved from the report of the committee just quoted that the motto did not mean that Maine was guiding the other States, but that she was guiding and claiming the devotion of her own citizens. Such is not, however, the interpretation which a view of the seal suggests and probably the great majority of those who think about the matter at all believe that Maine is claiming a primacy.

The execution as well as the conception of the seal was also liable to criticism. Mr. Williamson says in his History, "Owing to the hasty call for a metallic stamp, through a necessity of immediately using it, no part of it was very ingeniously wrought . . . ; and hence people of taste and judgment have not been altogether pleased with the devices or emblems."

Chapter VIII

MAINE'S FIRST DECADE

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The election for Governor in April, 1820, had only been for the remainder of the year, but Governor King accepted a renomination from the Democratic members of the Legislature, and was elected without serious opposition. His message for 1821 dealt largely with recommendations concerning State institutions, which will be noticed in a later chapter. He again announced his intention of pursuing a liberal policy in appointments, using language which seems to anticipate the days of civil service reform.[1] He said: "The people of Maine have had too much reason to deplore the violence of a party administration which for a series of *years* selected all its officers from a minority. This mode of disposing of the public employments exclusively with a view to party, has fortunately at the present day but few advocates. Nor have I thought it would be consistent with the harmony that so happily prevails, or just in itself to confine the selection exclusively to those of a more particular sect or party. I ask, therefore, a continuance of the candor and liberality of my fellow-citizens while engaged in correcting these errors—a task which I assure them shall not be entailed upon my successor."

It seemed that Maine might look forward to a period of political tranquility, but in the spring of 1821 Governor King resigned. In a letter to the committee which had asked him to accept the nomination for Governor he announced his intention of withdrawing from that office to become one of the commissioners for settling the claims of American ship owners and merchants against Spain, which the United States had agreed to pay, up to the amount of $5,000,000, in return for the cession of Florida. Governor King stated in his letter that were he actuated by selfish reasons he would decline the commissionership, "but unfortunate claimants in this part of the country ask me in the most feeling manner to accept. They fear if I decline another person may not be accepted from this State." Such sentiments were highly creditable but a politician does not usually resign office from purely altruistic motives and King's conduct has been likened to that of a child who throws away a toy which he had craved.

There were, however, honorable reasons for King's disgust with the governorship, if disgust he felt. Two of his most cherished and statesmanlike plans had failed. He was most anxious that the State should control all the public lands within her boundaries and he had induced the Legislature to appoint a commission to negotiate with one appointed by Massachusetts for the purchase of her share of the wild lands in Maine, but though the commissioners came to an agreement the Legislatures of both States refused to ratify their action.

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[1]One remembers, however, King's hopes for a new party which might perhaps elect Rufus King, President.

Governor King also wished to encourage manufactures by taxing factories for a certain period at a merely nominal rate. But the Democratic farmers who composed the majority of the Legislature had no love for manufacturers, they dreaded and hated monopolists, and the Governor, with all his influence, was unable to obtain the legislation he desired.

It was said, too, that he wished to be in Washington in order to take part in the next contest for the Presidency and that, doubtless with the expectation of suitable acknowledgments, he hoped to bring Maine to the support of that stalwart old Republican, William H. Crawford, of Georgia, then Secretary of the Treasury. Whatever his motives, King's correspondence shows that he was dissatisfied with the Governorship. His friends wrote him concerning the prospect of his appointment as commissioner, in the tone that they would naturally use toward a candidate. Senator Chandler told him that he could not be expected to make too great sacrifices for the public peace (that is, to preserve political harmony, by remaining Governor when he might be commissioner), but that he hoped that if the treaty with Spain failed of ratification, not a word would be lisped that King would not be a candidate for re-election.

Congressman Hill wrote of the influence he had brought to bear in King's favor and of interviews with the President. In one of his letters he repeats an interesting statement of Mr. Monroe concerning that most scrupulous of politicians, John Quincy Adams. He tells King that the President said that "his present impression was favorable to you," but "that as Mr. Adams came from the North, and has always modestly refrained on all occasions to recommend individuals or intimate his opinions without being asked," the President felt that it would be courteous to ask the opinion of the Secretary of State, and wished Mr. Hill and his friends to prepare the way. Mr. Hill added that he did not think that the President was wavering, but that he desired to consult Adams as a matter of policy.

Whatever were King's reasons for his action, he promptly carried out his announced intention of resigning. The letter to the committee was written on May 27, and on the 28th he formally resigned the Governorship, which by the constitution devolved upon the President of the Senate, William D. Williamson, of Bangor. Mr. Williamson was at once sworn in, taking the oath of office in the Senate chamber, "in the presence of the Council and of a large number of citizens who had come from all parts of the State to witness the ceremony."

William D. Williamson was born in Canterbury, Connecticut, July 31, 1779. He graduated from Bowdoin in 1804, then studied law, was admitted to the bar and removed to Bangor, Maine. "Mr. Williamson commenced the active pursuits of life under unusual advantages: he was older and had had more experience than young men generally when entering on their profession; he had great activity of mind, an ardent, sanguine temperament,

and a persevering industry; qualities like these rarely fail of success, and we find in this case no exception to the rule; his prosperity was uninterrupted. He devoted himself to politics as well as law. From 1811 to 1816 he was county attorney of Hancock, which then included Penobscot; he then served in the Senate of Massachusetts until the separation, when he became President of the Maine Senate, acting Governor, and Representative to Congress. He served but a single term in the latter office, the county of Somerset claiming and receiving the right to furnish the member for the next two years. Mr. Williamson was, however, appointed Judge of Probate for Penobscot in 1824 and served with promptness, fidelity and ability until 1840. Mr. Williamson finished his useful and varied life on the 27th of May, 1846." Mr. Willis, who is inclined to disapprove of lawyers leaving their own vocation to engage in politics, says:

"If any one could be gratified by success in politics, surely Mr. Williamson should be that man. He entered into office almost at the commencement of his professional career, and continued in possession of one or another, during the whole meridian of his life. It may have satisfied the ambition of the time, but we doubt whether it produced the happiness,—we know that it did not the fame,—which attended the steady and quiet pursuit of all his leisure hours. His 'History of Maine' was the great labor of his life; to this the best powers of his mind were given; and on this he labored with an earnestness and ardor which gave joy to his heart and light to his understanding. Wherever he went, upon whatever subject he was engaged, his eye and his pen were intent upon his great work. He was indefatigable in his labors, and explored all sources of knowledge which would be likely to inform or illuminate his page. He collected a vast mass of materials, and rescued from oblivion treasures, which, had it not been for his exertions and industry, would have passed out of human observation and memory."[2]

Like Governor King, however, Acting Governor Williamson did not serve out his term. He says in his "History": "It may be worthy of remark, that during the primary political year, a period of seventeen months, all the constitutional provisions for filling the Executive chair were called for and improved. In about a year Governor King left the office to Mr. Williamson, the President of the Senate, who being elected six months afterwards a member of Congress, surrendered the trust to Mr. Ames, Speaker of the House. The President of the Senate, in the next legislature, was Mr. Rose, who assumed the executive chair a day,[3] till Governor Parris was inducted into office by taking the requisite oaths."

The resignation of Governor King left the Republicans in a serious difficulty both in regard to the manner of selecting their candidate for the next year, and as to who that candidate should be. General King had been nominated by the Republican members of the Legislature. But now the Legislature was not in session, and the *Argus* fearing, perhaps, a violent

[2]Willis, "Law, Courts and Lawyers of Maine," 517-521.

[3]The list of governors and acting governors in the "Maine Register," which may be considered official, does not contain the name of Mr. Rose.

contest and a fatal division in the party, threw its influence against calling a State convention. The editor said that as far as he was able to learn, public opinion was not in favor of such action, that summer was an inconvenient time for the farmers to leave their fields, and that sections which were partly or wholly unrepresented might not be willing to support the nominee. The *Argus* thought that this objection would not apply to county conventions, and that though there might be danger to the party from the lack of unanimity which they would doubtless show, yet this disadvantage would be counterbalanced by the fullness of the expression of the popular voice and the importance of obtaining an interchange of views.

King had been nominated unanimously but now three candidates were put forward, Senator Chandler, Judge Parris and Joshua Wingate, Jr. On June 12 the *Argus* stated that it had heard the names of General Chandler and Judge Parris more frequently mentioned than those of any other persons; that both of these gentlemen were well known, filled high stations worthily, had been unwavering Republicans in critical times, had taken a leading part in the movement for separation and in the constitutional convention, and approved the conciliatory policy of Governor King. General Chandler soon announced that he would not be a candidate, and the *Argus* came out in support of Parris. No State convention was called, but conventions were held in most of the counties and declared for Parris. Wingate, however, charged that these conventions were packed, and refused to withdraw. Parris may be said to have been the "regular" candidate of the Republicans, and he had the support of the "bosses" then in chief authority—Chandler, Holmes, King, Preble and Ware. Wingate led a more heterogeneous force. It was made up of "old Dons" and their friends, many Federalists, and Republican near-Federalists, some unbending Republicans who could not forget that Parris had once been a Federalist, and a number of the wealthiest men of the State.

The *Argus* said: "It is neither a Republican nor a Federal, but a purely monied junto; a combination of wealthy men who have heretofore been diametrically opposed in their political principles but on this occasion have united their strength to dictate to the State." In another issue the *Argus* declared that Wingate had become rich by office holding, and expressed a doubt if the habits of the custom house were very consistent "with the prudence, economy and frugality of a new and agricultural State." The *Argus* pointed out that Wingate was a son-in-law of Henry Dearborn, Secretary of War under Jefferson and controller of the national appointments in Maine, that he himself had been collector of customs at Bath, that he succeeded another son-in-law of Dearborn, and finally resigned in favor of his own brother. "But," said the *Argus*, "a family aristocracy is not more dangerous than a *monied aristocracy*. It is much to be feared that there is a combination of overgrown capitalists in Portland who intend to rule the State. Let the bloated sons of speculation unite; let the *revenue*

officers with the government's funds in their hands join the league. Let the influence of *wealth* be added to that of *family*. Let old presses be *bought* and new ones *established*, and your State become a mere *nose of wax* to the capital." (*Argus*, August 7, 1821.)

It was claimed that Wingate's course was due to anger because Governor King had not appointed two of his family connections sheriffs of Kennebec and Penobscot counties. Attempts were made to appeal to the class feelings of the country voters. A correspondent of the *Argus*, describing the Parris victory at the Alfred convention, wrote, "Old York was not to be intimidated by the insolence of a purse-proud junto, nor humbled before the domineering pride of a mushroom aristocracy."

The Wingatonians also waged a bitter personal campaign. An attempt was made to frighten Parris by sending him an anonymous letter warning him that his cause was hopeless and that if he ran he would certainly suffer a humiliating defeat. Abuse was poured upon him and even his private character was attacked. The fact that Parris had been a Federalist was not forgotten and it probably lost him some votes. It was urged that there was no reason for dragging him from the bench as if he were the only man fit to be Governor and an attempt was made to excite prejudice against him as a lawyer and an office-holder.

The support of the *Argus*, the only Republican newspaper with much circulation outside the district where it was published, gave Parris a great advantage. Two leading Portland men who were friends of Wingate demanded a share in the management of the *Argus*, and, on being refused, established a paper of their own, the *Independent Statesman*.

The heated contest for the Governorship came to an end in September, and Parris was elected by the small majority of only 1,501; he received 12,887 votes, Wingate 3,879, Whitman (Federalist) 6,811, and there were 811 scattering.

Before the Governor-elect could enter upon his new office, he was beset with demands that he would consent to run again in the following year. The Republican leaders were very anxious, now that the Federalist party had practically ceased to exist, that the mass of the people of the State should remain Republicans, and they were especially desirous that the Wingate faction should not develop into a new party, and perhaps a victorious one that would deprive them of power and offices. They believed that Parris was the man to prevent this, and determined to give him a legislative renomination if he would accept it. But Parris was not by nature a fighter, he could not summon courage to face the assaults and abuse of another campaign, and he feared that, should he consent to run again, the Wingate men would oppose his plans and wreck his administration. Accordingly he told his friends that there were others better able to bear the attacks of the enemy than he, that he would do all in his power to assist the man whom they might nominate, and that he would be more useful in this way than if he headed the party, but that he could not be a candidate again.

The situation is described in an interesting and very frank letter written to Senator Holmes by Dr. Ayer. The doctor was a busy and doubtless a useful politician, but he was also a nervous one, easily alarmed and prone to exaggerate dangers. These qualities affect the reliability of his account of political conditions, but his letters are valuable nevertheless. In a letter to Holmes of the 23d of December, he says:

"*I believe the die is cast.* Our friend Parris has at last fully determined *not to accept the office of Governor.* He has not half the political courage I thought he had. He dreads the attacks of the *Junto,* and fears their influence should he put himself in their power. Could he have seen their influence broken at W., as it certainly is gone here, or a determined effort on the part of his friends to break them down, I believe he would have come to a different conclusion. He cannot brace up his mind for another electioneering campaign to suffer from their abuse as he has done the last—and especially while they are apparently to be left in full power of their U. S. offices & influence, which give them so much means of injury as they now possess. He says there are others, who can contend against them and are better able to bear their attacks, than he is, and he is willing to aid all in his power as a supporter of others, and do what he cannot do as a candidate.

"I beg you will treat him tenderly. He is too valuable to lose. We must overlook this one poltiical fault as well as we can. What I most fear is, that some may feel so much hurt by this course of conduct, as to be induced to shew some little resentment, and thereby drive him off. But this *will not do.* The *personal* friendship and attachment for him, as well as political, are such, as to carry with him a larger share of the people, than any party here can spare and still retain a majority.

"You must now put your heads together at Washington and say who shall be the next candidate. Arrange it among yourselves and we here will follow. There is no time to be lost. The Legislature meet next week, and as the session is to be a short one, they must soon agree upon a candidate, and we ought to know beforehand whom to *prepare their minds*[1] for agreeing upon. It must be you or Chandler. The former I should prefer, and though it would occasion a hotter election, the success would certainly be more triumphant. We can run you all hollow. You would find some folks take hold with effect in that case, that were rather still last time. The real old Republican stuff would once more be aroused, such as has not been seen this many a day. We should be able to get along with C. (Chandler) if we cannot do better. But Hill must not be thought of. In the first place we *cannot* elect him; 2nd, we won't *elect* him; 3rd, he is good for nothing after he is elected. There can be no dependence on him. He would be as likely to be against you as for you."

Six days later Dr. Ayer wrote again, in joyful, triumphant haste: "We have laid regular siege to the Judge, and then carried him by storm. The attack was irresistible and he has surrendered at discretion." Many friends from various parts of the State, as well as those in Portland, had pressed Parris with such arguments that he at last gave way.

When the Legislature met, the nomination of Parris was made as

[1]Italics in original.

planned. On February 19 a legislative caucus was held to which all members calling themselves Republicans were invited. A few of them refused to attend a party caucus, claiming that the invitation should have been extended to Federalists also. A hundred members were present and Parris was nominated. No candidate appeared against him, but seventeen men refrained from voting. In the following summer, county conventions in York, Cumberland, Kennebec and Somerset endorsed the nomination.

On the 27th of August the *Argus* announced, "It affords us great pleasure to be able to state that there will be great harmony in the coming election." A leading principle of the *Argus,* which it has constantly proclaimed, is support of regular nominations, but now it strove to heal the breach in the party by urging the Republicans to welcome back the brothers who had wandered, and give them their share of the offices. "A great party," it said, "cannot avoid differences, but in these cases a difference of opinion is not a difference of principle, and it would be as unjust as impolitic to proscribe a friend who had on all occasions been found faithful, because in the holiday of peace and security, he is seen in a single instance differing from us, not on cardinal points, but on points comparatively unimportant."

Parris had no open competitor. The "Independent Statesman," the paper established in Portland by the Wingatonians, nominated Wingate, and then announced that it was authorized to say that he declined, but added a statement which seemed to mean, "vote for him, and we assure you that your votes will not be disregarded." It was uncertain whether or not Whitman, the candidate of the Federalists the year before, should be considered a candidate. Under such circumstances Parris's election could hardly be doubtful, and when the ballots were counted it was found that he had 15,476 votes to 5,795 for Whitman, 755 for Wingate, and 154 scattering. This sweeping victory and Parris's popularity prevented further opposition. Many of the States where one party was dominant, chose the same Governor year after year. Maine now followed their example, and in 1823, 1824 and 1825 Parris was re-elected, almost unanimously.

But although there was no contest for the Governorship, Maine was not free from political strife, for a new President was to be chosen in 1824, and the subject began to be earnestly discussed several years before the election. There were five leading candidates—John Quincy Adams, of Massachusetts, Secretary of State; William H. Crawford, of Georgia, Secretary of the Treasury; John C. Calhoun, of South Carolina, Secretary of War; Henry Clay, of Kentucky; and General Andrew Jackson, of Tennessee. Only two of these gentlemen, however, had any real chance of winning the support of Maine,—Adams and Crawford.

The fact that Adams was a New Englander made a powerful appeal to local feeling; his desire for a strong and active national government won him sympathy among Federalists; and the strict decorum of his private life

gave him a great advantage with church members over the boisterous Crawford, who had fought a duel with a political opponent. Crawford was a strong, able man, a shrewd politician, and an opponent of Monroe's conciliatory policy toward the Federalists. In Maine, the ruling junto favored him, but were a little afraid to admit it publicly. King appears to have early resolved to support Crawford. On January 27, 1819, a Maine politician wrote him: "I am perfectly well persuaded that you have adopted just views in regard to the next President (next, that is, after Monroe should retire). He is a good man and true, and you with him will be the leading man in the East. Quincy (Adams) was cut out by nature for a clergyman, but got accidentally slanted into a politician. There is no communion with such a man."

The *Argus* in its issue of January 25, 1822, said that the discussion of the presidential question was premature, that its feeling toward Adams was far from unfriendly, but that the attempt to forestall public opinion in his favor was improper, and that it believed that the mongrel union of certain bargaining individuals of the Federalist stamp in Maine and Boston was not calculated to gain friends for Adams among the Republicans of Maine. Reports were circulated that Parris was working for Crawford, and in accepting his second nomination the Governor deemed it wise to say that he had not expressed himself in favor of any candidate for the Presidency, and that he was determined not to be involved in the contest.

On April 10, Chandler wrote to King, "I like the course which you have marked out in relation to the presidency. Great caution will be necessary. The Sword (Jackson) is undoubtedly losing ground. No chance can give him the game. The pen (Adams) you know has not had ground whereon to stand. The plain, frank, straightgoing man (Crawford, a rather surprising characterization), is gaining ground and will I have no doubt succeed, if a prudent course is pursued."

In October the *Argus* took its position somewhat more clearly, quoting a letter from another paper which plainly intimated that notwithstanding Adams' great abilities, his former Federalism made him an unsuitable man for President.

There was a serious difference of opinion concerning the method of nomination. Jefferson, Madison, and Monroe had been nominated by a Congressional caucus of the Republican Senators and Representatives, but this way of selecting the candidate had become extremely unpopular, especially as the nominee of the Republicans, if they were united, was sure of election. It was felt that the politicians in Congress had deprived the people of their rights, and there was danger of the President becoming the tool and creature of the Legislature, contrary to the clear intention of the Constitution. It was known that Crawford had more supporters in Congress than any of the other candidates, and therefore the friends of these gentlemen opposed a caucus nomination with great vigor.

The Crawfordites naturally favored the old method. In Maine they urged that the choice be left to "the representatives of the nation," in order to prevent a nomination of Adams by the State Legislature. It was argued with much force that if the nomination were left to local conventions and Legislatures, the party would be divided among various candidates and none could obtain a majority of the electoral votes. The influence of Congress on the election could not be eliminated; the only choice was between a nomination by the caucus and an election by the House, with all its temptation to intrigue, bargain and corruption. The House when choosing a President votes by States, each State having one vote, and the will of the people could easily be defeated with the vote of Delaware balancing that of New York. It was argued that if the smaller States should force a President on the larger, he would be faced by so strong an opposition that his administration could not be useful to the country. Adams' friends were urged not to oppose the caucus, since he might be nominated by it, but could not, it was asserted, be elected by the House when voting by States.

On January 21, 1822, a large majority of the members of the Maine Legislature held a meeting and declared that there having been reports that the people of the State favored Crawford, and it being proper to correct any false impressions on that subject, they resolved "That this Convention do entertain the highest respect for the distinguished talents and public services of the Hon. *John Quincy Adams;* and do fully believe that no man possesses better qualifications for the important office of President of the United States; but as the election of President will not take place for a considerable time to come, the Convention do not deem it expedient to make a formal nomination, of any person, as a candidate for that station."

The passage of this resolution was a victory for the Crawfordites, for though Adams was singled out for special praise, he was not nominated, nor did the Legislature even declare his claims superior to those of all other candidates. This failure of Maine to specifically endorse Mr. Adams must have encouraged his opponents, since it could be represented as proof that New England was not united in his support. With the next Legislature his friends were more successful. On the morning of January 16, 1823, a notice was posted calling a meeting for that evening. The gathering was far from harmonious, and not always orderly. An attempt was made to adjourn till Monday, and Speaker Ames, an Adams leader, had a sharp controversy with Robert G. Dunlap, afterward Governor, over the true criterion of Republicanism. Another future Governor, Hugh J. Anderson, moved that the names of those who were invited to attend be called over. He perhaps wished to show that Federalist wolves had been thrust into the Republican fold. It was objected, however, that this would create a breach that it would take long to heal, and the motion was defeated.

The Adams men, as soon as the meeting was organized, had presented

resolutions declaring "that the splendid talents and incorruptible integrity of JOHN QUINCY ADAMS, his Republican habits and principles, distinguished public services, and extensive knowledge of and devoted attachment to the vital interests of the country, justly entitle him to the first honor in the gift of an enlightened and grateful people." The resolutions recommended him to the people of Maine and of other States "as first in qualifications in the list of candidates."

Various amendments were moved; one offered by General Chandler declared that the members of the Legislature regretted the distracted state of the party, that local prejudices and attachments should be made to yield to the will of the majority, that they highly esteemed Mr. Adams and believed him eminently qualified for the Presidency, but that notwithstanding any predeliction they would cheerfully yield to the voice of the major part of the nation, "and support that candidate upon whom that voice shall most distinctly fall." The amendment was defeated, and the original resolution was carried by a vote of 77 to 37.

Though the Crawfordites of Maine exhorted all to obey the voice of the nation, that is, of the Congressional caucus, they were by no means ready to abide by the decision of a caucus of their own Legislature. The *Argus* claimed that forty-five Federalists voted in it, and that many members who had favored Adams, when they saw who were leading the meeting, experienced a change of heart and did not vote.

On February 14, the Congressional caucus met. The opponents of Crawford, fearing that they would be outvoted but would be bound to support the nominee if they attended, stayed away. Crawford received 64 out of 68 votes cast; Albert Gallatin received 57 votes for Vice-President. Several gentlemen received one vote each for this office, and among them was William King, of Maine.

The caucus then issued an address to the people, which was drafted by John Holmes and revised by Martin Van Buren. It was very Republican in tone, and expressed a fear of "the entire dismemberment of the party to which it is our pride to be attached." King was much displeased with the address. He told his nephews in confidence that it was "against the opinions and wishes of a great majority of Crawford's best friends and supporters in and out of the caucus, and misrepresented the sentiments of the man that it was put forth to serve; that it placed him (King) in a most unpleasant predicament at home, where his administration had known no distinction in politics, and where he had uniformly, and not without authority, asserted, that Mr. Crawford's course in conducting the affairs of the government would be tolerant of all sects and parties; that the principles contained in the address could be explained, it was true, but that the necessity of resorting to this humiliating office might well have been spared, seeing that New York and Pennsylvania alone could respond to the doctrine of party contained in it."[5]

[5] J. A. King to R. King, March 5, 1824, King, *King* VI; 553.

The call now went our for all true Republicans to rally. Some, however, thought that Crawford had been keeping bad company politically and should purge himself before receiving the support of the "Old Guard." Senator Holmes wrote to Samuel E. Herrick urging him to support Crawford. Herrick replied: "I heartily agree with you in saying 'the old Republicans feel the necessity of a reunion of the party. If the Republicans break on this election their party is destroyed.' I will add, if it is not already destroyed. Mr. Monroe in his administration has certainly done much toward effecting its destruction, and will Mr. Crawford in this respect do any better? Will he administer its government on Democratic principles? and call *only* to his aid in doing so *Democratic men?*" Mr. Herrick added that he had favored Clay (the future leader of the Whig party!) because Clay was unconnected with the administration, that he had called a public meeting, that Crawford having been nominated by the Democratic caucus must now rely on Democratic men, and he asked Holmes to show his letter to Crawford and report what the latter said, unless he might have time to himself write Herrick a line.

A little later B. Johnson, of Belfast, wrote Holmes that the situation in Maine was far from hopeless, and suggested some devices that might be useful. He said: "A great many, perhaps a majority in this by some information conveyed to them without creating jealousy (that is, suspicion of the *reason* of giving the 'information'), would join the friends of Crawford. As to the means, your inventive genius needs no instruction; I will presume to give a hint which I really think would be of much use. If you and General Chandler were to frequently send a line to some influential friend, also papers even, they will frequently instill a prepossession. Elders among the Baptists have great influence among their hearers and are pleased with being noticed. A piece well written and published in the *Argus* by way of question and answer might do well. A farmer inquiring of another why the friends of Adams did not attend the national caucus, as their numbers would have put down all opposition, &c.,[6] both to be pretended friends of A—. An answer might be given confidentially that where A and C are personally known it would not do, that the people will do best for A, who [do not?] know him, and that is all the way to succeed.* Alfred Johnson wrote to King that Crawford had warm friends, and that others were disposed to acquiesce in the decision of the caucus, though disappointed by the result. But Mr. Johnson admitted that a great majority were opposed to Crawford because he was by birth a Virginian, and his election would perpetuate the "dynasty."

Notwithstanding his disapproval of the address, King as well as Holmes

[6]An outrageous lie.

*In the same letter he said, "Our sheriff, Mr. Jarvis, told me last summer that it would take but a short time by personal acquaintance to discover the great superiority of Mr. Crawford over Mr. Adams as a man for active business, ease of manners and fitness for any or the highest office."

was active in behalf of Crawford. A letter among King's papers from John Ruggles, of Thomaston, later speaker of the Maine House and United States Senator, shows that King had asked if a Crawford newspaper could not be started at Thomaston. Ruggles replied that papers, except the Portland papers, were little read outside the locality where they were published; that he was satisfied that had the friends of Crawford openly opposed Adams the year before some impression could have been made, but that now it was too late. Even could the Federalist leaders and the *Gazette* be induced to support Crawford, as King, the champion of the conciliation policy, perhaps hoped, Ruggles did not believe that the rank and file of their party would follow them. Ruggles said that he could only judge public opinion by that prevalent east of the Kennebec, and specially in the part of Lincoln county where he lived, but in that quarter there was a strong feeling against Crawford. 'The word *duel* goes a great way with many whose *votes* will count in the ballot boxes, whatever their opinion otherwise may be worth. Even should one or two electoral votes be won (Maine then chose electors by districts) they would not be of much use, since the election would certainly go to the House, and the fight to win them might ruin the Republican party. It cannot be disguised that the Wingatites have mounted a pretty formidable hobby, and they calculate upon taking the Federalists up behind them." Ruggles, like most men, had no fancy for useless martydom, and he asked the pertinent question, "If we cannot reign at Washington, should we therefore consent to serve at Portland?"

Although the people of Maine were manifestly in favor of the New England candidate, the *Argus* fought Crawford's battle valiantly. It declared that he was nominated according to usage, that the result would have been the same had there been a full instead of a small caucus, that by declining to oppose Monroe in 1816 he had given peace and prosperity to the country,[1] that his character had brightened under attack (this referred to Crawford's successful reply to the charges made by Ninian Edwards in the once famous A. B. letters), and that the real cause of the assaults upon him was his economy and prevention of abuses. His duel was explained in as favorable a way as possible.

It was argued that Crawford was born a man of the people, but that Adams was not. It was alleged that Adams had said that the only way to defeat the Democratic party was to join it, encourage its ridiculous ideas, and then form a government better suited to the genius and disposition of the country. Adams was accused, with some reason, of being deficient in courtesy and sound judgment, and was also charged with a fondness for the emoluments of office. It was asserted that the Wingatite custom-house

[1]Crawford, however, received 54 votes in the Congressional caucus to Monroe's 65. Mr. Stanwood says in his "History of the Presidency," "Crawford himself professed afterward to have withdrawn from the contest before the caucus; but his friends seem not to have been aware of the fact when they voted."

clan had early started a campaign of intimidation, that if Adams were elected, every friend of the Governor would be removed from office and Maine be delivered into the hands of the Wingate family.

Adams' supporters had much to say of his literary accomplishments and diplomatic ability. They also appealed with great effect to local pride in Adams as a New Englander. To the praise of Adams as a writer, a correspondent of the *Argus*[8] replied: "He wields his pen with ability only when disposed to be malevolent. . . . All else is turgid, tedious, vapid, insipid or obscure."

The battle was clearly going against Crawford, and in Kennebec an attempt was made to win by feigning apathy. An effort was also made to obtain Baptist support through the influence of King, who had been of great assistance in the founding of Waterville (now Colby) College. Edward T. Bridge, of Augusta, wrote him that it would appear as if the election was to go by default, but that such was not the case. When the Supreme Court sat in the town, a few of the friends of Crawford had held a meeting and decided to remain quiet and let the excitement subside, but just before election to put forth their utmost strength. They had nominated as elector a very popular man named Dillingham, and Bridge told King, "it would be interesting to us to have the Baptist influence in our favor, and should you think it prudent to address a confidential letter to Prest. Chaplin (of Waterville), or Prof. Briggs, on the subject, it would probably have a good effect on the election. Their personal feeling, I have no doubt, would induce them to support Dillingham, and could they think their interest would coincide with their feelings, I believe they would not hesitate in lending their assistance."

When election day came, all the Crawford arguments and tricks proved futile; every Maine elector was for Adams. In the country at large, as was expected, no candidate received an absolute majority of the electoral votes and the selection therefore devolved on the House. The Constitution limited its choice to the three candidates who had received the highest number of electoral votes. These were Jackson, Adams and Crawford. Clay, who stood next on the list, threw his influence in favor of Adams and he was elected.

There had been much effort to secure Clay's support, and George Kremer, an honest but by no means brilliant Representative from Pennsylvania, had publicly accused the friends of Clay of offering to vote for Jackson if he would appoint Clay Secretary of State and of transferring their support to Adams because Jackson refused. When called on for proof, Kremer discovered conscientious scruples of a legal nature, and declined to appear before a committee of investigation and substantiate his charges. Adams, regardless of the suspicion which his act might raise, after the election offered Clay the post of Secretary of State and Clay accepted it. There

[8]Probably John Holmes.

had been no agreement between them, but Clay's men had sounded Adams concerning his feelings toward the West and toward Clay, and had received a friendly reply. Adams believed that an office holder should be reappointed on the expiration of his term unless the reasons to the contrary were so strong that they would justify removal, and though he had most severely criticised Crawford in his diary, and Crawford was now disabled by a paralytic shock, the President-elect courteously requested the Secretary of the Treasury to continue in office. Mr. Crawford declined, but the tender helped for a while to conciliate his supporters, as did the appointment of one of their number, James Barbour of Virginia, as Secretary of War. The Crawford men in minor offices, too, found their positions perfectly secure.

Such moderation could not fail to produce at least a temporary effect. In Maine the opponents of Adams ceased to attack him and, indeed, declared their willingness to support the President if he went on as he had begun. On August 30 the *Argus* said that the opposition to Adams had been due to fear that he would put himself in the hands of the Dearbornites, and that the latter tried to keep alive the idea that there was a party in Maine opposed to him. "There is no such party," said the *Argus*, "and while Mr. Adams' administration is marked with that dignity, moderation and wisdom, which have characterized its beginning, there will be none, unless it breaks forth in the surges of family pride and of official aristocracy." Those who feared before, were more than satisfied, said the editor; for himself, he would be the last person to forget Adams's support of the government during the late war.[9]

Before his election, Adams had told inquiring Federalists that he would show that he did not regard members of their party as necessarily unfit to serve the country, by appointing a Federalist to high office. He kept his pledge by sending Rufus King as Minister to England. The Kennebec *Journal* said of the choice that perhaps no man was better fitted for the position. Not only was he an able diplomat, long a resident at the British court, but he was also a native of Maine, and therefore more likely to have a perfect knowledge of her territorial limits and of the merits of the boundary question.

The *Journal* also approved the nomination for reasons affecting the country as a whole. "This appointment," it said, "besides continuing in public service a man whose ability and integrity have never been questioned, even amidst the bitterest contentions and revilings of parties, cannot fail to harmonize the American people and give an earnest of Mr. Adams' devotion to the principles laid down in his inaugural address."[10]

Unfortunately, King was in such feeble health that he would have hardly dared to cross the Atlantic had not his son been appointed secretary

[9] *Argus*, August 30, 1825.

[10] Kennebec *Journal*, April 23, 1825.

of legation and so been enabled to accompany and care for him. After his arrival, illness compelled him to delay entering on the business of his office. He was deeply aggrieved by certain matters being withdrawn from his charge and their consideration transferred to Washington, and after remaining about a year in England he resigned, having done little but draw his salary and outfit-money.

To return to State politics. In the winter of 1825, Governor Parris was nominated by a legislative caucus, but declined to accept; he said that public affairs would not suffer by his refusal, while duty to his family compelled such action. The caucus, with a few dissenting votes, nominated Judge Weston of Augusta, but he preferred to remain on the Supreme bench, and the Legislature was once more obliged to seek a candidate. They now sent a committee to Parris to say that his intention of declining a reelection had only recently become known, that the public mind had not had time to settle upon some individual who would be willing to accept the Governorship, and that they requested him to preserve political harmony and give an opportunity to ascertain the public sentiment respecting his successor, by consenting to serve another year. Unwillingly, Parris agreed to waive his objections.

The next year, as the Governor remained firm in his wish to retire, the legislative caucus nominated Enoch Lincoln, of Paris, who had represented the Oxford district in Congress for eight years. An able, popular, and highly respected man, he was probably chosen because, like Parris, he could hold the party together. He was by no means an ultra-Republican, he had firmly opposed the Missouri Compromise, and had been put up against Parris by the Wingate faction in 1825, but had refused to stand. His declination, however, does not seem to have been known in the county of Somerset. A report had spread that Governor Parris had refused a renomination and he received a number of votes. Probably the straight-out Republicans were not wholly pleased with his nomination. Ashur Ware wrote to Holmes: "I am glad to find that you are satisfied with Mr. Lincoln's nomination. I have always been of the opinion that it was best to take him cordially. The belief has been that he will make a good Chief Magistrate. My acquaintance with him is not such as will justify me in speaking positively." Whatever may have been the fears of Judge Ware, the people would seem to have been well satisfied with Mr. Lincoln, for he was not only elected Governor, but was reelected for four successive terms without opposition.

Governor Lincoln was a native of Massachusetts, and belonged to one of the leading Republican families of that State. His father, Levi Lincoln, had been United States Attorney-General under Jefferson, and his brother, a second Levi, was elected Governor of Massachusetts, in 1826, and held that office until 1834. Enoch Lincoln was born in 1788, studied at Harvard, was admitted to the bar in 1811, and in the following year came to Maine and settled at Fryeburg. Here he mingled the usually incompatible vocations

of poet and lawyer, composing a long poem, "Our Village," descriptive of Fryeburg and of things in general, and acting as poet at the celebration of the centennial of Lovewell's fight in 1824.

The people of Paris desired to have this talented young man for a fellow-citizen, and it is said that they promised to send him to Congress if he would come and live among them. Whether the story is true or not, he did move to Paris in 1817, and in March, 1818, was elected a Representative in the National House, succeeding Albion K. Parris, who had resigned to become United States District Judge. Lincoln appears to have been just in time, for Daniel Goodenow, a son-in-law of John Holmes, hearing that there was an opening at Paris for a lawyer, visited the town with a view to settling there, but found that he had been anticipated. Lincoln pleased his constituents so well that they kept him in Congress for eight years, when he resigned to accept the Governorship.

In person Mr. Lincoln was a little below the medium height, with a fine, clear eye, a pleasant mouth, sanguine complexion, and golden hair. He had "the faith of a child in what seemed like virtue, was suave in manner and moderate in speech, but would be roused to anger by any act of tyranny. He took a particular interest in the welfare of the Indian and the negro, and his views regarding the education of women were far beyond those of his time." His friendliness toward women, however, seems to have been mainly that of a thinker and philanthropist, for he died a bachelor. With all his gentleness he was firm, even obstinate, and quick to resent anything which seemed like dictation. It was said that men induced him when Governor to do as they wished, by peremptorily demanding that he take an opposite course.

His resolute, yet obliging, nature remained unchanged to the end. During his last illness his mind wandered and he desired to leave his bed. On being told that he must not, he replied, "Must, that is no language to use to me, sir." "But," replied his attendant, alarmed at the possible consequences of the attempt, "I beg, I entreat you, to lie still." "Oh," said the Governor, "that is another matter, that is speaking like a reasonable being," and he quietly turned over and went to sleep.

Mr. Lincoln had a deep interest in Maine, particularly in her animals, her products, and her original inhabitants. His study at Fryeburg was adorned with the antlers of deer, moose and caribou. A map of the Umphramagog lakes traced on birch bark by an Indian, hung on the walls, and above it was a full length picture of an Indian chief. In 1829 Governor Lincoln declined a reelection, wishing to devote himself to farming and to study. He had already gathered considerable material for a history of Maine, and had begun an account of the Maine Indians. How great his success as a writer would have been had his life been spared, must remain uncertain. But it might not have equalled his hopes. The poem, "Our Village," is respectable amateur work, with some pithy lines. One of his

Fast Day proclamations was highly praised and attracted attention in other States. The ideas were good, less trite than is usual on such occasions, and well expressed. But his messages "smell of the lamp," and while not marred by the exuberant rhetoric that too often deformed the writings of the period, they show straining after a beauty of style which it was beyond the writer's power to attain. Mr. Severance, the founder of the Kennebec *Journal,* whose editorials are marked by good taste and more than ordinary ability, said of one of Governor Lincoln's messages that it seemed rather "labored and parenthetical. A document of this kind ought to be read and understood by everybody; therefore simplicity and perspicuity should be studied in its composition, rather than elegance."[11]

Enoch Lincoln loved his adopted State with a filial devotion, and he deserves an honorable place in her history; but it is on his character and his work as Congressman and Governor rather than his ability as a writer that his modest fame must rest.

The Fourth of July, 1826, was the semi-centennial of American independence, and it was duly celebrated in Maine, as in the other States. The day was rendered peculiarly noteworthy by the deaths of Jefferson and Adams, the author and the defender of the Declaration. When the news of Mr. Adams' death reached Portland, Adjutant-General Cony, by direction of the Governor, ordered minute guns to be fired from twelve to one, and a similar tribute was paid to the memory of Jefferson when his death was known.

The *Argus* which, like many Republican newspapers, had bitterly assailed John Adams, the signer and enforcer of the odious sedition law, was placed by the general manifestation of honor and mourning in a somewhat embarrassing position. It, however, remained consistent, and yet avoided disrespect to the memory of Adams by saying little about him, in its own name, but by quoting complimentary notices from other papers. Of Jefferson, it spoke, as would be expected, in terms of high praise.

At the beginning of President John Quincy Adams's term, the *Argus* had highly approved his conduct, but its admiration soon cooled. In his first message the new President advocated a government with such broad and even paternal functions that the old Republicans took alarm. The slaveholders, who feared that Clay's South American policy would endanger their peculiar institution; the masses, who believed that their favorite, Jackson, had been cheated out of the Presidency; and the politicians who hoped to float into power on the Jackson wave, united, and the administration soon found itself assailed by an opposition extremely formidable both in numbers and talents. The *Argus* hesitated to join them openly, but it criticised the President and Secretary Clay and quoted bitter attacks from other papers. By so doing it became one of the very few political martyrs under the Adams administration. The President refused to proscribe his oppo-

[11]Kennebec *Journal,* January 13, 1827.

nents, but Clay was not so forbearing. It was the duty of the Secretary of State to designate the papers in which the United States laws were printed at public expense, and as the *Argus* refused to modify its course, in spite of advice given to the editor, the privilege of publishing the laws was taken from it and transferred to its special rival, the Portland *Patriot*. The *Argus* said that it received an intimation that the change was not final, and that repentance and good behavior should not go without regard. No change of this kind was made, however; indeed the *Argus* soon came out openly against the administration.[12]

One of the leading Adams papers in the State was the Kennebec *Journal*. For a while it had occupied a somewhat neutral position, notwithstanding the fact that it had been established that there might be a National Republican paper in Maine. When Adams was elected it spoke highly both of Adams and Jackson. But on March 17, 1827, it declared: "If we have ever felt anything like indifference to the result of the next presidential election, the course of the Opposition, and the elements of which it is composd, will confirm us in our first preference."

The *Journal* attacked Jackson, who, it was well known, would be Adams' opponent in 1828, but at first it did so with a certain hesitancy. On July 14 it said that Jackson, though "honest and patriotic," was "a *mere soldier*, rash and impetuous, whose disrespect for the civil power has been repeatedly manifested, and whose fame was principally acquired in a gallant and fortunate battle." In the year of the election, the *Journal* assailed Jackson more fiercely. It asked, since so much was said about Jackson's military ability, "has he, like Harrison, Brown, Ripley, Scott, and other of our generals, ever met a disciplined enemy in an open field?" and replied that the only time that he ever encountered such a foe was when his troops, "safe behind entrenchments, shot their foes down by hundreds with so little danger to themselves that only seven Americans were killed." The *Journal* repeated various charges against Jackson; that he had been a confederate of Burr; had unlawfully executed certain men under his command who claimed with justice, as the *Journal* held, that their term of enlistment had expired and attempted to go home; that he had caused another soldier, a Baptist preacher, to be shot for a trivial offence; that he had used his official position to make money; that he was a slave-dealer. The *Journal* also brought up the matter of his marriage. Jackson had married a woman who was at the time another man's wife, the general assuming with true Jackson impetuosity that a divorce from her first husband had already been granted.

The *Argus* was equally ready to assail Adams. He was accused of demanding improper allowances as minister, and of furnishing the White House in an extravagant and un-American manner. Much was said of alleged abuses in the expenses of the Department of State. The Adams

[12] *Argus*, March 23, 27, 1827.

men were charged over and over again with being Federalists. It was asserted that an old Federalist had said that those who fell with John (Adams) the first, would rise with John the second. It was claimed that Jefferson and Madison distrusted J. Q. Adams and sent him on diplomatic missions to conciliate him, and at the same time put him where he could do no harm.

Maine had once carried on a considerable trade with the British West Indies, but England had for some time excluded American vessels from the islands. In 1825, however, she offered to open their ports to direct trade with the United States if the latter would withdraw her restrictions on the importation of West India products. The offer was to hold good only for one year. Adams, hoping to obtain the right for American vessels to carry West India goods to places outside the dominions of Great Britain, continued to negotiate. When he finally decided to accept the original proposal, a year had passed, another and less liberal ministry was in power in England, and the American Minister was told that he was too late and that nothing could be done. Adams had perhaps been unduly stiff on minor points, and the friends of Jackson in Maine declared that his mismanagement had cost the State a valuable trade.[13]

Another matter that greatly affected the commercial interests of Maine was the passage of the tariff of 1828, otherwise called the tariff of abominations. Jackson needed the support both of the low-tariff South and of high-tariff Pennsylvania, and his managers were anxious lest in winning one they might lose the other. Accordingly it was arranged that a tariff bill should be brought in giving extravagant protection on some articles and taking particular care of the Middle States and the West, but bearing very heavily on New England. The Jackson men, including the low-tariff Southerners, were to resist all attempts to improve the bill, but when the question of passage was put the Southerners were to separate from their allies and vote against it; the New England members would presumably do the same, and the bill would be lost. Jackson's friends would then tell Pennsylvania and the West that they had tried to pass a good tariff bill, but that the Adams men from New England had prevented them. The South, it was hoped, would not be greatly disturbed by a bill that failed to pass, and the Jackson men there could tell their constituents that they had voted against it. The plan was partially successful, but in the Senate additional protection was given to the manufactures of New England, many New England men decided that on the whole the good in the bill as amended was greater than the evil, they voted for it, and the bill became a law.

Among the "abominations" was one doubling the duty on molasses, and thus striking a heavy blow at the West India trade. Maine lumber,

[13]Fish, "American Diplomacy," 198-199.

Maine ships, and all the industries dependent on them, were seriously affected. When the news that the bill had passed reached Portland, the town went into mourning. Stores were hung with crepe, bells were tolled, and the vessels in the harbor half-masted their flags. The bill was the result of a Jackson trick, and it would seem that it should have ruined his cause in Portland. But the *Argus* was equal to the occasion. Adams' Secretary of the Treasury, in his annual report, had strongly recommended a higher tariff, and the *Argus* declared that this was the cause and origin of the whole matter. True, some Jackson members of Congress from the Middle States had voted for the bill, but that was not due to their Jacksonism, but to the fact that the law benefited their districts. ("The tariff is a local issue.")

The *Argus* had need of all its ingenuity. The Cumberland electoral district was the prize for which both parties in Maine were exerting their utmost efforts. There was little doubt that the State would go for Adams and the country for Jackson, but the Cumberland district was uncertain. The Jacksonians nominated for presidential elector James L. Churchill, a popular man of moderate views, and succeeded in electing him by a small majority. All the other Maine districts and the State as a whole[14] and every other State and electoral district in New England, voted for Adams, but Jackson swept the country.

Great was the joy of Cumberland Democrats. Old Cumberland was "the star in the east," and they did not soon forget the name. The National Republicans, as the Adams men were called, took their defeat very hardly. The Kennebec *Journal* said: "We must submit to their (the people's) decision, or rather to the provision of the Constitution, for a majority of the freemen of the United States have probably voted for Mr. Adams (this was a mistake, the popular vote stood, Jackson 647,726, Adams 508,064[15]). We regard General Jackson's success as an event derogatory to our national character, injurious to the public interests, and of evil omen to the duration of the republic, but console ourselves with the reflection that we have done our duty in opposing his elevation. . . . We hope never to see *such* an opposition waged against General Jackson as has been arrayed against Mr. Adams; but we do think that it is incumbent upon all that intelligent portion of the American people who have not been borne away in the mad current of military enthusiasm which has carried General Jackson up to the presidential chair, to use every honest means to prevent his doing mischief in a situation to which he is incompetent. . . . If the country is not involved in war under the new dynasty, it will probably be owing to the firmness and prudence of Congress, and to a constant discriminating and patriotic opposition."[16]

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[14]Two electors were chosen at large.

[15]In Delaware and South Carolina the electors were chosen by the Legislature.

[16]Kennebec *Journal*, Nov. 14, 1828.

The Portland *Advertiser* calmly stated the reasons of its preference of Adams to Jackson, and expressed the hope that the latter would become a better man. It continued: "He has been not only a brave but a cruel man. He has manifested not only some virtues, but many vices. If he has on some occasions exercised the kinder sympathies of nature, he has, on too many, been governed by ferocious barbarity. If he has at times respected and sustained the laws of his country, he has also been guilty of lawless violence, and gross infractions of the Constitution. It is these opposite traits of character which occasion our dread of his elevation."

The Portland *Patriot* said: "Never, since we have been an independent nation, was there more need of a firm, independent and prudent Congress, than there will be for the next four years; for never before have we had a President so ignorant and incapable, nor one the tenth part so."

January 8, the anniversary of the battle of New Orleans, had for some time been celebrated as Jackson Day, and on the anniversary following the election the victorious Jackson men made public manifestation of their joy. A supper was given at Portland, a grand dinner at Bath, and salutes were fired at Bangor, Eastport, Norridgewock and other places. But the Kennebec *Journal* of that date said that every American was proud of the victory of New Orleans, but "prosperity is sometimes more ruinous to us than adversity. Had some one else commanded at New Orleans, or had Jackson been less fortunate, his troops less brave or his enemy more expeditious, he would never have been thought of for President."

Of the defeated Adams, the *Journal* had spoken in very complimentary but also, as the future proved, in most inappropriate terms; terms which are the more surprising because the article was not original with Mr. Severance, but was taken from a paper published near Adams' home, the Middlesex *Gazette*. The *Gazette* said of Mr. Adams: "His contemplative and philosophic turn of mind will render the evening of his life tranquil and happy; and his genius, talents, and almost unequalled erudition will be employed, we trust, in a manner calculated to impart instructions to future generations. He has already reared for himself a monument which will endure for ages beyond the period when the halo which now encircles the brow of the chieftain shall have faded from the remembrance of man."[11]

The "turn" of Mr. Adams' mind may have been "contemplative and philosophic," but his nature was such as to forbid any part of his life being "tranquil and happy," and his fame, except as the writer of a voluminous diary of great historical interest, comes chiefly from what he did after his presidency, when in advancing age he fought an unequal battle against the slave power, with all the dash, courage and vigor of youth.

In Maine the Adams men had carried the Legislature, and they proceeded to make their power felt. They elected a new Council composed solely of National Republicans. The Treasurer and Secretary of State

[11]Kennebec *Journal*, Dec. 5, 1828.

were Jacksonians. Supporters of Adams were put in their places. Sheriffs and other county officers were at that time appointed by the Governor and Council. Governor Lincoln renominated most of the incumbents, but the Council refused to confirm the Jackson men. The Democrats raised a loud cry of proscription. They made especial complaint of the treatment of Mr. Nichols, the displaced Secretary of State, a gentleman highly esteemed by all, and whose salary was his chief means of support. The National Republicans answered that the Jackson men had proscribed *their* opponents, that they were, as the late election showed, a minority of the people, but that they had cleverly managed to get control of the political machine and put their friends, and usually their friends only, into office. It was argued that they were now receiving the treatment which they had given to others, and that the public officers should coincide in opinion with the people. The case of Mr. Nichols was admitted to be a hard one, but it was claimed that he had prostituted his office to party purposes and so could not be retained.

It fell to the Legislature this year to elect a United States Senator to succeed General Chandler, and Peleg Sprague, of Hallowell, was chosen. Mr. Sprague was born in Duxbury, Massachusetts, April 28, 1793, graduated from Harvard in 1812, and was admitted to the bar in 1816. He then moved to Maine and began practice in Augusta, where by hard work and great oratorical ability he acquired a large practice and a high reputation. He first acquainted the people of Kennebec with the beauties of rhetoric. "Mr. Sprague's style of speaking, both at the bar and in public assemblies, was so entirely different from what the people in the county had been accustomed to hear, that it attracted them by its novelty, and interested them by its beauty. The addresses at the bar in that county had been particularly plain and simple; the great lawyers there—Wilde, Bridge, Bond, Williams, and Allen—made no pretensions to oratory; they did what they undertook to do, presented their cases to the jury and the court in a brief, comprehensive, unvarnished manner, bringing out every material point in the case, and laboring solely for that purpose. But a young man came among them, highly educated and cultivated, ambitious of distinction, and capable of making a figure, and introduced a style of elocution, showy and rather declamatory, accompanied by gesticulation which attracted by its gracefulness as well as peculiarity, and rendered the advocate extremely popular." Senator Bradbury said of him, "Everything he said, even to the making of a motion in court, was said with elegance and finish."

In 1824 he was elected a Representative in Congress, and served until his election to the Senatorship, in 1829. In 1835 he accepted the Whig nomination for Governor, but was defeated, and then resigned his Senatorship and moved to Boston. In 1841 he was appointed judge of the United States District Court of Massachusetts, where he served many years, although for a part of the time he was nearly blind. Judge Sprague died on October 13, 1880, at the age of 87.[18]

[18] Willis, "Law, Courts and Lawyers of Maine," 626-634.

The Democrats of the Legislature held the usual gubernatorial caucus and renominated Governor Lincoln, but he declined the honor. They then determined to leave the choice of a candidate to a convention specially called for the purpose. It was said that the true reason that the Legislature did not nominate was because they could not tell which one of the faithful would receive national offices. But to none of these was the prize finally awarded. The *Argus* copied an article from the *Eastern Republican,* of Bangor, which demanded, "Let no fence-rider, no timid eleventh-hour Jackson man, no twaddler, no vaporing, scheming, double-faced politician, be selected." But, alas, the convention chose a man who was reported to have voted for Adams, Samuel E. Smith, chief justice of the Court of Common Pleas. He was nominated, partly as a compromise candidate, partly because it was felt that many who were inclined to Jacksonian principles had voted for Adams because he was a New Englander, and that if the Jackson party was to triumph in the State, these men must be won over. Judge Smith was an able lawyer, industrious, well supplied with this world's goods, and said to be very diligent in acquiring them.

He was born in Hollis, New Hampshire, March 12, 1788. A few months later his father moved to Wiscasset. The son graduated from Harvard in 1808. He early engaged in politics, his whole family being ardent Democrats, and served as a representative in the Legislatures of Massachusetts and of Maine. In 1821 he was appointed chief justice of the Circuit Court of Common Pleas for the Second Circuit, and when, in 1822, the circuit courts were abolished, he became an associate justice of the new court, holding the position until his election as Governor in 1830. In 1835 he was again made a justice of Common Pleas, retiring two years later, when he was appointed with Chief Justice Mellen and Ebenezer Everett, Esq., one of the commissioners to revise and codify the public laws: "The first edition of the revised statutes was the result of the labors of this commission." "The remainder of Governor Smith's life was passed in literary ease and retirement, and in the enjoyment of an independent estate. He was a genial, pleasant companion, and freely communicated with the young, as well as old, from the ample stores of his richly furnished mind. Mr. Smith early took a prominent position at the bar as a sound and discriminating lawyer. His mind was clear and acute; he had disciplined it well in mathematics and metaphysics, studies which he cherished and pursued through life, and devotion to which was the act of his last hour. He left his study at eleven o'clock at night, after having been several hours engaged in solving a problem in algebra, and an hour later he had ceased to breathe." His death occurred on March 3, 1860.

The National Republicans in the Legislature held a causus and nominated Jonathan G. Hunton, of Readfield. Mr. Hunton was a native of New Hampshire, but had moved to Maine and settled in Readfield. He

[19]Willis, "Law, Courts and Lawyers of Maine," 614-619.

had met with heavy losses in business ventures during the War of 1812, and now supported himself by working a small farm and practicing law, his "practice" consisting mainly in collecting debts. He had taken little part in State affairs, but had held office in the militia, and when nominated was a member of Governor Lincoln's very partisan Council. After his governorship he served two years in the Maine Senate and one in the House, and seems then to have withdrawn from politics. He died in Fairfield, October 12, 1851. It is difficult to understand why so obscure a man was nominated for such an important office, and the announcement was received by the Democrats with a scornful amazement and inquiry that suggests the Whig cry of 1844, "Who is Polk?" A Kennebunk Democratic caucus instructed its delegates to ascertain "if any individual by the name of Jonathan G. Hunton is known to reside within the limits of this State." It was said that Mr. Hunton had got a fortune by marriage and lost it by mismanagement, that his "law" business was merely collecting debts, that he was unable even to handle a case before a justice of the peace, and that he was accustomed to transfer such as he might have to another attorney; that his principal support came from a poor, small farm. The candidate himself spelled his name Hunton, but the Democrats persisted in calling him Huntoon, and in hinting that there was some discreditable reason for his alleged change of name. They produced testimony that he had failed to pay over money that he had collected for his clients, and declared that he had proved totally unable to perform his duties as adjutant in a battalion of militia artillery. They also attacked his private morals, asserting that he had been accustomed to boast of his conquests, and to use the most filthy language, and the paper specially fathering this charge defied him to sue for libel. In short, it was the dirtiest gubernatorial campaign that the State ever saw.

A National Republican paper replied that its candidate was a man of good sense and extensive reading, a chaste and correct writer, and that he had "the unqualified respect of his fellow-councillors." It was claimed that judicious men who knew both Smith and Hunton said that the latter had the greater "share of common sense and sound, practical talent."

The Kennebec *Journal* declared that the only object of saying so much about Hunt*oo*n was to cause a loss of votes through a variety of spelling, and that it regretted that the National Republicans were making a like attempt by spelling the name of the opposing candidate Smyth. It also said that it was moved more to pity than to anger by the attempt to underrate the character of "lawyer" Hunton, "merely because, like Cincinnatus and Washington,[20] he had been seen following the plough."

The evidence of Mr. Hunton's lack of ability, honesty and purity was met by counter testimony, and various reasons were given for his not suing

[20]Washington was a careful manager of his plantation, but it is a pity that the *Journal* did not give the date of an act so unusual for a wealthy slaveholder.

for libel. The Kennebec *Journal* said that Washington, Jefferson and Parris had been slandered, that the latter at the time of his first election was accused of adultery, but that none of them had appealed to the courts.

Notwithstanding the bitterness of the attacks upon Hunton, Judge Smith escaped rather easily. Regret was expressed that he should follow the example of Judges Parris, Ware and Preble, and mix in politics; and the Portland *Advertiser* called on him if he accepted the nomination to resign at once. He was also charged with moving from town to town to avoid taxation, and with being accustomed to lend money at usurious rates.

The nomination of Judge Smith was a holding out the hand of friendship to the Adams men. Late in the campaign a further attempt was made to win them over, particularly those who had been Federalists. When many of that party helped to secure the separation of Maine from Massachusetts, it was promised a share of the offices in proportion to its number, which was supposed to be about half that of the Republicans. Governor King in making appointments was careful to respect this agreement, and it was reasonably well observed by his successors. In Kennebec county it was the custom to nominate two Republicans and one Federalist for the State Senate. Many Republicans, however, thought that the Federalists did not meet them in a proper spirit; they said that where the latter were in power no quarter was given, and when the Legislature and the Council in 1829 excluded Jackson men from office a cry went up that the truce was at an end. But such an attitude might repel the moderates, and late in August, James Bridge, Reuel Williams, and a number of other prominent politicians, most of whom had favored Adams, and who were ex-Federalists or the sons of Federalists, issued a circular stating that they believed that Hunton would make a clean sweep, but that they had satisfactory evidence that Judge Smith would not remove faithful officers because they had opposed him, nor make his appointments exclusively from either of the political parties.

When the ballots were counted, it appeared that Hunton had a majority, but so small a one that it might well be that enough votes could be thrown out for legal insufficiency to change the result. The Legislature, too, was in doubt. The House was almost equally divided, and a few of the Representatives were claimed by each party. In the Senate there were four vacancies.

Hardly had the excitement over the election a little subsided, when the people of the State were shocked by the sudden death of Governor Lincoln. His refusal to stand for re-election had been in part due to failing strength, and he himself appears to have taken a very serious view of his condition. He was invited to address the students of the Cony Female Academy at Augusta, and, always interested in the education of women, he accepted the invitation, against the advice of his friends. He

said, however, that he did not expect to return. While delivering his address he was obliged to sit down. He finished it, but was unable to return to Portland, his illness increased, and he died in three days.

He was buried with military honors on the grounds which had been selected largely by his influence as the site of the new State House.

On January 6 the Legislature met, the members of the House in an informal manner chose Mr. White, of Monmouth, chairman; and a committee was appointed to report the names of such members as appeared to be duly returned. Much discussion arose over the case of Mr. Roberts, of Waterborough. The question was, ought his certificate of election to give him a right to a seat until proof was made to the contrary? By a party vote of 75 to 73 the House decided against Mr. Roberts' claim. There was also a sharp contest over the right of Simeon Fowler, Jr., to have the votes certified as given for Simeon Fowler, counted for him. The House decided that they should be so counted, by a vote of 73 to 72, Mr. Fowler in effect voting to seat himself. The matter was only decided after a serious parliamentary tangle, the chairman admitting that he could not be sure what votes had been taken, there being no clerk to whose record he could appeal.

On January 8, Daniel Goodenow was elected Speaker by a majority of one, he receiving 73 votes to 71 for Mr. Ruggles, of Thomaston, and one scattering. Mr. Goodenow probably voted for himself. His course was, however, generally approved. The *Argus* said: "The organization of the House was an object of so much interest to both parties and was considered as having so much bearing on the question who should or would be governor, that the friends of each of the candidates for speaker waited upon them, and insisted upon their throwing their votes for themselves respectively, on the ground that the interest of the public and of the two political parties was more involved in the result than any personal interest of the individuals could be supposed to be." Notice was given to a friend of Mr. Ruggles that Mr. Goodenow intended to vote for himself, and the *Argus* stated that if the intention was carried out it would not "be so illiberal as to find fault with Mr. Goodenow on that account."

The Senate had even more difficulty in organizing than did the House. Eight Senators were National Republicans, eight Democrats, and there were four vacancies. Forty-nine ballots were taken without result; on the fiftieth the National Republicans voted for Joshua Hall, who himself threw a blank ballot, and Mr. Hall was therefore elected president. "He was a short, fleshy, good-hearted old gentleman,[24] a minister of the Methodist denomination, and knew much more about preaching than he did about politics. (He had had, however, considerable legislative experience.) The

[24]He was not much over sixty at the time, but lived more than thirty years longer, dying on December 25, 1862, at the age of ninety-four. The *Bangor Historical Magazine* said of him: "He preached longer than any other minister of his denomination, having begun *his itinerant* work at the age of 19."

Democratic Republicans, after their first consternation at his election had subsided, fearing that he had actually gone over to the enemy, took measures to have a private consultation with him immediately after adjournment. This interview resulted in nailing the old gentleman to his former political faith and he stuck to the party like wax during the remainder of the session."[22]

The first duty of a Senate is to officially declare what vacancies exist and to go into a joint convention with the House to fill them. Before the election of a president, the National Republicans had repeatedly proposed that such action be taken, but the Democrats refused, on the ground that until an organization was effected there was no Senate. Most of the National Republicans in the House wished to call on the Senate to send down the list of votes for Governor which had been submitted to them by the Secretary of State, and it was intimated that if the Senate refused to join the House in canvassing the votes, as a last resort the House might open and count the votes and declare the result alone. But a joint committee to count the votes was finally appointed, and a majority reported that Mr. Hunton had been elected Governor by a majority of 39. The Democratic minority of the committee presented a report stating that questions affecting the votes of various towns had been wrongly decided and that there had been no election by the people.

On February 1 the House passed an order to go into a convention with the Senate on the following day. On February 2 the National Republican leader in the Senate, Mr. Kingsberry, moved to adjourn for the purpose of going into a convention, but the motion was lost by a vote of 8 to 8. A National Republican senator then read a protest against the right of Mr. Hall to vote, as he was now legally acting governor.[23] Mr. Kingsberry stated that, since Mr. Hall had no right to vote, he considered the Senate adjourned, and the National Republican senators proceeded to the House. On their arrival, Speaker Goodenow declared that as the House had voted to go into convention at this time, no further vote was necessary, and that by the arrival of the senators a convention was *ipso facto* formed. The Democrats submitted a written protest and withdrew from the hall, and the vacancies reported by the Governor and Council were filled. Meanwhile the eight Democratic Senators had adjourned. The National Republicans met, elected a president *pro tem,* and called on the secretary of the Senate, Mr. Kavanagh, to surrender the journal, which he refused to do. The National Republicans, however, did not attempt to form a separate organization, but they maintained that four new senators had been lawfully elected.

The Democrats now met with a misfortune which gave the National

[22]Seba Smith, note in "Letters of Major Jack Downing," p. 55.

[23]The National Republicans had doubtless elected him President to get him out of the Senate and so secure a majority.

Republicans an undoubted majority in the Senate. There had been a question as to who had the legal right to act as Governor. At Governor Lincoln's death, the president of the Senate, Nathan Cutler, of Farmington, had, as all admitted, become acting governor by virtue of his office. But the Senate of which he was president ceased to exist on the day before the first Wednesday in January. He was no longer president of the Senate, could he then remain acting governor? Mr. Cutler swore in the members of the Legislature, a duty which the constitution devolved on the governor. For this there was both precedent and reason. It must at times happen that the governor would have served a year before the first Wednesday of the calendar year. The constitution required the governor to swear in the Legislature before they could act, and the Legislature to declare the election of Governor for the current year. Hence, if the provision that the governor serve a year were to be strictly construed, all government must stop. Accordingly, it had been the custom for the retiring governor and a quorum of his council to administer the necessary oaths, even if the year for which he was elected had expired. But Mr. Cutler, although he believed that he was Acting Governor until a Governor was elected, refrained from performing any duties of a governor after the Senate had organized, except administering official oaths, and requested the Supreme Court to give him an opinion on the matter. Two of the three judges, Chief Justice Mellen and Judge Parris, stated that it was the duty of the president of the existing Senate to act as governor, the other member of the court, Judge Weston, believed that Mr. Cutler was acting governor until a governor should be regularly elected.

Mr. Cutler, in deference to the opinion of the majority of the court, and wishing to remove all doubts on the subject, resigned his office of acting governor; and President Hall assumed it. The Senate promptly elected Mr. Kingsberry president *pro tem.* The three new senators from York county[24] voted for him, their votes were received by a vote of 8 to 7, and a like vote directed them to retain their seats. The Senate accepted the majority report of the joint committee on the votes for governor, with amendments which did not change the result, and appointed a committee to notify Mr. Hunton of his election. On February 9th the Senate declared the election of senators by the convention of both Houses valid. On the ninth and tenth the two Houses met in convention, elected the treasurer, secretary of state and councillors, and qualified the governor-elect. Elder Hall now resumed his position as president of the Senate. It will be noticed that Governor Hunton delayed several days assuming the office of Governor. The reason probably was that he wished the National Republicans to have an undoubted majority in the Senate when they voted to recognize the senators from York and to go into convention with the House.

After Hall had again taken his seat as president, he refused to receive

[24]Apparently the Senator from Washington county was absent from the capital.

the votes of the new senators, and there was much confusion and disorder. On one occasion an undisputed majority of senators voted to adjourn, but the National Republicans kept their seats, and Hall, though repeatedly declaring the Senate adjourned, still remained in the chair lest a National Republican should occupy it and the Nationals declare themselves the Senate. While acting as Governor, Mr. Hall had requested the opinion of the Supreme Court on certain questions affecting the legality of the "election" of the four senators. The court replied that no convention could be formed without the concurrence of the Senate, and that no body except the Senate could declare what vacancies, if any, existed, and designate the constitutional candidates. Certain other questions were put to the court by Governor Hunton demanding, in substance, if, as Hall's vote was illegal, he being acting-governor, the Senate did not vote to go into convention, and if, as the Senate had admitted the four senators, they could be deprived of their seats except by expulsion, which required a two-thirds vote. The court replied in an opinion drawn by Chief Justice Mellen and concurred in by Justices Weston and Parris. They said that Hall's vote was only on a question of adjournment, and therefore could not affect the constitutionality or unconstitutionality of the convention, and that the four claimants to seats not being constitutionally elected, could acquire none of the rights of senators. The four senators now ceased to press their claims for seats, though they and their friends denied the binding force of the decision of the Supreme Court. The Legislature adjourned, with both parties in a bad humor. Most of the National Republican senators voted against the customary tendering of thanks to the president of the Senate, and the Democratic Republicans in the House retaliated by opposing the vote of thanks to Speaker Goodenow.

The winter of 1830 is memorable in national history for the debate on Foote's resolution, in which Daniel Webster delivered his great "Reply to Hayne." The discussion aroused much interest in Maine, and the Democrats considered that their friends had the best of the argument. The *Argus* said that it had received one-half of Mr. Webster's speech. "We have not seen that any papers laud it as yet, and we imagine none ever will. It is not much to boast of, unless the latter end is far better than the first." The *Argus* also said: "Mr. Benton delivered a masterly and triumphant reply to Mr. Webster's great speech, and as completely overturned the whole basis of the latter's arguments, as the most sensitive and jealous citizen of the South could desire." The *Argus* praised a speech on the same side of the question by Senator Woodbury, of New Hampshire, and claimed that John Holmes, who, like his colleague, Senator Sprague, had come to the defense of New England, had been cut up by Grundy, of Tennessee. The editor even went so far as to send Hayne a copy of his own speech printed on satin and "elegantly bound by Mr. Simeon Pratt," of Portland. The courtesy was acknowledged by a polite letter from

Hayne, in which he spoke of the danger to the Union from geographical parties.

In justice to the *Argus*, however, it should be remembered that the debate was not purely a constitutional one, but that the conduct of the New England Federalists during the War of 1812, and the past attitude of New England toward the trans-Alleghany country, was discussed at great length. Nor were these questions of merely academic and historical interest; they were of present practical importance. Whigs and Democrats, New England and the South, were scuffling for western votes. The Whigs of the Maine Legislature expressed their great satisfaction with the conduct of Holmes, Sprague and Webster, in "rescuing the character of New England from reproach, and vindicating the liberal policy of her statesmen toward the West, and that the attempts made in that body (the United States Senate) to excite ill-feeling towards this section of the Union, manifests a recklessness of purpose without a parallel in the annals of our government."

When after the nullification movement the opponents of the *Argus* twitted it with cordially approving Hayne's speech, the editor replied that the speech was regarded chiefly as a contrast of the Republicans of New England with the Southern Federalists, and that "the very men in this city who now accuse us of nullification for publishing this speech, were the most earnest to have it not only inserted in the *Argus*, but originated the plan of publishing it in a pamphlet form at our office, and subscribed to pay for its publication and distribution."

The Whigs were ready to match their champions against the South Carolinian and his allies. A friend wrote to Holmes that they were printing and circulating his speech and that of Mr. Sprague, and he added: "Gentlemen are about raising money for the purpose of publishing Webster's speech, and from present appearances we think we shall be able to raise enough money to defray the expense of circulating 1,500 or 2,000 copies. There have been several thousands of Hayne's speech printed at the *Argus* office, which were disposed of *cheap*. *We* cannot circulate too many to counteract the effect of those of our opponents; it would therefore be desirable, should you have any to spare, to send them into Maine."

Much interest was felt in the State in the question of "internal improvements" and also in that of the next presidency. The Democratic convention of Lincoln county praised President Jackson for his veto of the Maysville road bill, a heavy blow at national aid for the construction of roads and canals. A great Democratic celebration was held at Bangor on July 5 (the fourth coming on Sunday). The orator of the day was Gorham L. Parks, formerly a Federalist but now a rising Democratic politician, and prayer was offered by Mr. Huntoon, not the Whig Governor, but the pastor of the Bangor Unitarian Church. Among the toasts were: "The Tariff and American System—we will not be gulled by fine terms,

masking evil projects. Give us back the genuine old Democratic gathering cry of *'Free Trade and Sailors' Rights.'* " *"The Maysville Road*—Jackson travels none such. He likes not their *construction,* his is alone the old beaten and legal path of the Constitution." "The old Adams party—Already dead and turning to *Clay.*"

It was undoubtedly true that the Adams men throughout the nation were turning to Clay, but in Maine their steps were slow and hesitating.

Mr. Emerson, of Portland, wrote to a friend in Boston, John Brazer Davis, that there was a difference of opinion as to the advisability of the mass State convention endorsing Clay. He said that parties were nearly evenly balanced, that many of their warmest friends, particularly in Cumberland county, were opposed to the American system, and that should Clay be nominated by the convention and the Democrats win, the defeat would injure him in other States. In a later letter he said:

"Our friends in each county assure us of a gain, but they may be deceived, and we cannot yet estimate the effects of that History which is spread over the State.[25] I am afraid of Oxford and Penobscot counties, whose territories are large, and traversed only by census-takers with their electioneering documents." He spoke of the embarrassments of the National Republicans, "where we fear danger in every step and yet must assume every appearance of confidence. A few judicious letters signed perhaps by your corresponding committee (not a printed circular) encouraging, urging and persuading, and directing their attention to the importance of our election, may produce a favorable effect. Let there be nothing like dictation in them, and seal them in such manner that no post office spy can read their contents." Then follows a list of men to whom letters may be safely directed. "Perhaps," adds Mr. Emerson, "you or some friend in Boston may be personally acquainted with some one named; if so, a letter from one acquainted will be better received. These secret, confidential letters have a fine effect—do not neglect them unless too troublesome."[26]

Another Portland gentleman wrote to Senator Holmes, strongly remonstrating against the nomination of Clay by the Augusta convention. He said: "Our merchants feel sore under the exactions of the tariff of 1828, and should Clay be nominated at Augusta, many of them with the truckmen and lumpers and others, employed upon the wharves, we fear could not be brought to vote on our side, some might go against us. Indeed, it would be most injurious to us in this town and county."

The leaders decided not to endorse Clay, but when the mass convention met, such a resolution was offered. The managers, however, had it referred to a committee, and as reported and passed, it highly praised Clay and expressed a wish, which was said to be that of Jefferson, that

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[25]A caustic description of the conduct of the Hunton party had run in the *Argus* and was then printed as a pamphlet and widely circulated.

[26]Massachusetts Historical Society Proceedings, 49:228, 231-232.

he should reach the presidency, but it did not definitely name him as Maine's candidate in the next campaign.

Governor Hunton had been renominated by a legislative caucus and the convention declared that it cordially concurred and recommended the most energetic efforts to secure his election. But not a word was said of him personally, although the convention spoke of the importance of sending to the Legislature men of talents, public worth and private integrity—an omission which the *Argus* did not fail to comment on.

All the care and cleverness of the Whigs proved vain. Smith was chosen Governor, receiving 30,215 votes to Hunton's 28,639, there were 238 scattering. The Democrats also carried the Legislature, and to the great wrath of the Whigs insisted on passing an act validating the laws of the previous year.

Chapter IX

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The event of chief interest in the year 1831 was the gubernatorial campaign. The Democrats in a legislative convention renominated Governor Smith. Mr. Hunton declined a renomination and Daniel Goodenow, the Speaker of the House of 1830, was chosen by the Whigs as their candidate. The principal State issue was an alleged proscription by the Democrats, contrary to the promises made in the Bridge circular. To this charge the *Argus* replied that such an accusation was totally unfounded, that the Adjutant-General, the Reporter of the Supreme Court, the County Attorney of Cumberland, and the Attorney-General were all open opponents of the Democratic party. But the *Argus* soon passed to justifying removals and refusals to reappoint, on the ground of retaliation. It said that the changes made by Governor Smith were called for by the people. "They asked that retributive justice should follow upon the violent, headstrong, malignant, demon-like acts of Federal tyrants, perpetrated when they held the reins of government."

The Lincoln *Intelligencer* praised the conduct of the Governor and said that it hoped that the Democrats would take care of their friends and let their enemies take care of themselves. The Bangor *Republican* said that the signers of the Bridge circular had been influential Federalists, that it had disapproved the circular when it was issued, and that the conduct of the National Republicans during the Hunton administration had rendered the pledge no longer binding.

The conduct of President Jackson was also an issue in the campaign. The convention which nominated Smith warmly endorsed the administration, praising among other things rotation in office, and the Maysville veto. Two resolves were devoted to an endorsement of the President's Indian policy. Georgia had assumed jurisdiction over the Cherokee and Creek Indians within her limits, and they could get no help from the Federal government. Jackson said that it was totally impracticable for an Indian tribe to remain permanently in the midst of white settlements, and that humanity itself demanded that they should be removed beyond the Mississippi. In his first message he had asked if Maine or New York would tolerate the exemption of their Indians from the State jurisdiction. The Maine Democratic caucus justified the question of the President by declaring that, having two tribes of Indians resident within the borders of the State, they viewed with alarm the claim of the Cherokees to independence.

Maine, with its agricultural and seafaring population and its lack of manufactures, was naturally Democratic, and the election resulted in a sweeping victory for Governor Smith, who received 28,912 votes against 21,821 cast for Mr. Goodenow. The National Republicans frankly admit-

ted their disappointment. "We did not expect to succeed," said the Hallowell *Gazette,* "but we certainly hoped better results than have been disclosed by the returns." The Kennebec *Journal* sadly murmured: "We are told there is a redeeming spirit in the people. We should like to see a little of it."

In 1832 both parties renominated their candidates of the previous year. An additional interest was given to the contest, as a President was also to be elected in the fall. Each party was entirely agreed on its leading candidate; the Democrats nominated Jackson, and their opponents, now generally known as Whigs, chose Henry Clay as their standard-bearer. There was, however, considerable feeling among the Democrats over the vice-presidency. Jackson was determined that they should nominate Martin Van Buren, and the Democrats in Maine obediently rallied to his support. When Van Buren retired from the Cabinet in the preceding year in order to better his chances for the nomination by escaping responsibility, the *Argus* spoke of him as magnanimously waiving the advantages of his position. The Maine legislative caucus censured the Senate, and the Maine Senators in particular, for voting against Van Buren's appointment as Minister to England, and gave it as their opinion that "his nomination [for the vice-presidency] would be highly gratifying to the people of this State, and tend to improve the dignity and character of an important branch of the government (the United States Senate, over which Van Buren as vice-president would preside)."

Both presidential candidates were sharply attacked . The *Argus* declared that the old Portland *Gazette,* as it called the *Advertiser,* which was the successor of the former paper, had spoken of Jackson in these disgraceful terms, "Our poor, feeble, superannuated, ignorant, imprudent President outroars the most terrific lion of Numidia." "The old dotard replied with every fury in the calendar depicted in his countenance."[1] The *Argus* criticised Clay with some justice for rudeness to the aged Senator from Maryland, Samuel Smith, and for challenging and fighting John Randolph, because of words spoken in debate. The interest aroused by the presidential contest brought out a much larger vote for Governor than in the preceding year. Both parties gained, but the National Republicans the most. The vote stood Smith, 31,987, Goodenow, 27,651. The *Argus* consoled itself for this relatively poor showing by the stereotyped explanation that the Democrats were passive, and their opponents excellently organized. In the presidential election Maine and the nation went for Jackson.

When the Legislature met in January, Representative Jarvis introduced resolutions censuring United States Senators Holmes and Sprague for refusing to obey certain resolutions passed the year before regarding the tariff and the United States Bank, and yet retaining their seats. It was supposed that the Jarvis resolutions would give rise to considerable debate,

[1]Quoted in the *Argus,* May 1, 1832.

but the Whigs decided to treat them as of no importance, a mere partisan declaration, and content themselves with a silent vote in opposition. Perhaps they thought that a debate in which they could be represented as denying the right of instruction would not be for their advantage. A few days later the Legislature chose a successor to Holmes, whose term expired that year. The principal candidates for nomination by the Democratic caucuses were Ether Shepley, of Saco, and John Ruggles, of Thomaston. The caucuses decided in favor of Shepley, and as the Legislature was Democratic, he was promptly elected by the Senate and House. The Whigs voted for Simon Greenleaf, Reporter of the Supreme Court of Maine for twelve years and afterward professor of law at Harvard and author of a famous treatise on evidence.

Mr. Shepley was born at Groton, Massachusetts, November 2, 1789, graduated from Dartmouth in 1811, was admitted to the bar in 1814, and settled in Saco, Maine. In 1821 he was appointed United States District Attorney, and held that position until his election to the Senate. In 1836 he resigned to accept the place on the Maine Supreme Bench made vacant by the appointment of Judge Parris as Second Comptroller. "It was apparent from the studies and habits of Judge Shepley, that the quiet pursuits of professional duties, and especially in their highest forms as an exposition of the law, were more suited to his tastes than the turmoil of politics." In 1848 he became Chief Justice, and in 1855 retired from the bench, his term expiring by constitutional limitation and the Whig council refusing to consent to his reappointment. In the following year he was appointed sole commissioner to revise the Maine statutes. In the Civil War his son, also a prominent Maine lawyer, entered the army and became Military Governor of Louisiana. Willis, whose history of the courts and lawyers of Maine was published at this time, says: "The Chief Justice, too far advanced to take a part in active hostilities in support of the government of his country, sustains the cause by his words, and co-operation in his efforts to put down the rebellion. And to enable his son to fight freely, and unencumbered by his numerous engagements at home, he has taken his place anew in the courts, and burnished up the forensic armor for fresh contests on the field of his former struggles. 'E'en in his ashes live his wonted fires.' "[2]

Judge Shepley died in Portland on January 15, 1877, at the age of eighty-eight.

The winter of 1832-1833 was that of the attempted nullification of the tariff laws by South Carolina. When the Maine Legislature met, South Carolina had declared the tariff acts of 1828 and 1832 void within her limits, and President Jackson had issued his famous proclamation denouncing nullification and asserting the rights of the Union. Governor Smith in his annual message heartily endorsed the action of the President, and the

[2]Willis, "Law, Courts and Lawyers of Maine," 619-626.

Whigs eagerly gave it their support. But the more radical Democrats did not approve of it. The proclamation contained national doctrines that were a little too strong to please even Henry Clay, and it is not strange that Democrats who almost worshipped the Kentucky and Virginia resolutions of 1798 and 1799, were unwilling to accept them. Moreover, unlike Clay, most of the Maine Democrats were low-tariff men. On the other hand, they knew that there was a strong national sentiment in the State, that President Jackson was extremely popular, and also that he was the dispenser of patronage and very stern in maintaining his authority.

The portion of the Governor's message relating to the action of South Carolina, the President's proclamation, and the resolutions of several State Legislatures on nullification, were referred to a special committee which did not report until February 4. They stated that they would not examine all the theories in the documents before them, that they deprecated the action of South Carolina, that instead of discussing the origin of the protective system, it would be more useful "to respectfully interpose the voice of this State for conciliation and forbearance." They reported resolutions declaring that they sympathized with South Carolina in her sufferings under an unjust tariff, but that they opposed and disbelieved in nullification; that tariff laws so far as they were palpably passed solely for protecting and fostering particular branches of industry were "contrary to the spirit, true intent and meaning of the Federal Compact"; that it was due to justice and absolutely necessary for the preservation of the Union that the tariff should be gradually but speedily reduced until the duties should merely yield a revenue sufficient to discharge the ordinary and appropriate expenses of the government economically administered. The resolutions made the Legislature declare that they heartily approved of the policy and measures of Jackson's administration and looked "to his patriotism, vigilance and firmness as pledges that all his efforts will be directed to preserve unimpaired the union, happiness and glory of our Republic."

On February 4 the Senate discussed the resolutions in a long session extending, with an hour's recess, to 9:30 p. m. The resolutions may be said to have taken Southern ground. Indeed, they bore a considerable resemblance to some which had been passed by the Legislature of Virginia, and they clearly intimated disagreement with the doctrines of the proclamation, yet by endorsing the measures (as a whole) of the administration they asserted a general loyalty to Jackson and made it difficult for the Whigs to avoid attacking the President, and so offending their allies, the moderate Democrats. Timothy Boutelle, one of the leaders of the opposition, presented a substitute denying the right of a State or the people of a State to secede, and quoting Jackson's condemnation of secession. This alarmed the Democrats and William D. Williamson, of Bangor, moved an amendment highly approving the President's proclamation, which was said to be not in accordance with the Federalist doctrine of consolidation,

but with the Democratic doctrine of State Rights. This amendment, unlike Boutelle's, was to be in addition to, not in place of, the resolutions reported by the committee. Boutelle objected to a blanket endorsement of the administration, saying that it was the proclamation, not the President's general course, which had been referred to the committee. Mr. Warren reproached the Democrats with not allowing the Whigs to praise the President, but in doing this he used language of almost unbelievable insult to the Chief Magistrate of the Nation. "Sir," he said, "the life of Andrew Jackson is all black—one long catalogue of crimes and disgrace, but there is one bright spot, one glimpse of light in the proclamation. Of this we wish to take advantage, but gentlemen will not suffer it." Such words were not forgotten by the Democrats, for they were most useful as evidence to hesitating brethren that the praise of the proclamation was really a device of the enemy. Boutelle's amendment was defeated and Williamson's adopted by a party vote of 15 to 10. The resolutions were also passed by the House and approved by the Governor.

The final compromise by which the tariff was reduced and the nullification ordinance repealed probably met with the full approval of the Maine Democrats. The *Argus* even praised Clay, whom it had so frequently and harshly attacked. "He is entitled," it said, "to a full share of credit as a leader in the great adjustment, which again restores peace to our nation and feelings of good will among the States."

The division among the Democrats in regard to the proclamation produced or accentuated a similar division over the nomination of a candidate for Governor. Governor Parris served five years, and then declined a renomination; Governor Lincoln served three years and also declined a renomination. Governor Smith had served for the same period and party usage demanded his renomination without a contest. Governors Parris and Lincoln were nominated, among other reasons, because by their moderate views and their popularity they could hold the party together. Governor Smith had been chosen to conciliate the Adams men. Governor Lincoln, however, was less popular than Governor Parris, and Governor Smith than Governor Lincoln. The sterner Republicans were not over-pleased by the nomination of Lincoln, and before the nomination of Smith the *Argus* had called for a straight-out Democrat. As party lines were more strictly drawn and as what the Westerners termed the "whole-hog Jackson"[1] element became the ruling power in the Democratic party, the objection to moderate men grew stronger. Many, like the editor of the *Maine Democrat*, wished "to throw to the winds all attempts at conciliating the opposition, by hitting upon a man who by a 'milk and water' policy would prove least obnoxious to them. . . . It is miserable policy for the party to pass by the claims and merits of their best men, because by their ardent and zealous devotion to the good of their party, these men have incurred the displeasure of our opponents."[1]

[1] Quoted in the *Argus*, May 3, 1833.

Governor Smith, indeed, had the good will of the leading politicians of the Old Guard, but this was, perhaps, a hindrance rather than a help. The "Preble junto," as the *Argus* styled them, had become dictatorial and unpopular and were regarded by the mass of the party, especially by the younger men, much as they themselves had regarded the "old Dons" some fifteen years before. Under these circumstances the Democrats of the Legislature refused to make any nomination, but directed the State committee to provide for the holding of a convention twice as large as the House of Representatives, to nominate a candidate for Governor. The convention was duly held and nominated Robert G. Dunlap, of Brunswick, on the first ballot, the vote standing Dunlap 185, Smith 79, scattering 7.

Mr. Dunlap was born in Brunswick, August 17, 1794. He was educated at Bowdoin, graduating in 1815. When a very young man he was an ardent Federalist, but he soon joined the Democrats and proved himself an earnest and clever politician. He served many terms in the House and Senate, and for four years was president of the latter body. When nominated for Governor he was a member of the Council. He later served two terms in Congress, was Collector of Customs for two years at Portland, and postmaster at Brunswick for five. Whatever the institution with which Mr. Dunlap was connected, he served it loyally. He was always warmly interested in the welfare of Bowdoin. He was an overseer for thirty-eight years and president of the board for sixteen. A devoted Mason, he stood firmly by the order in the midst of the anti-Masonic movement, when many faltered or even deserted. "He was several times master of United Lodge of Brunswick, was grand master of the Grand Lodge of Maine, and was for nine years the general grand high priest of the General Grand Royal Arch Chapter of the United States. On retiring from the last named office he was presented by the Masons of Charleston, South Carolina, with an elegant pitcher and salver. He was also a Knight Templar, and it is said that he attained the highest degree under the Scottish rite, that had at that time ever been conferred in America. As a presiding officer, whether in the Senate, the Board of Overseers or the town meeting, or in political or philanthropic conventions, Mr. Dunlap was hardly surpassed, conducting business with great accuracy, promptness, and dispatch, and at the same time with a dignified impartiality."[4]

Of his church he was a most affectionate and dutiful son. His pastor says: "The religious element was, indeed, the predominant one in his character for the last twenty years of his life, becoming more and more manifest as his life was drawing to its close. His interest in all religious institutions, his anxiety to promote the cause of religion in the world, were constant and fervent. His attachment to the Holy Scriptures was remarkable. He was eminently a devout man, living and dying in the faith and

[4]Wheeler, "Brunswick," 732.

hopes of the gospel. No one who knew him doubted the sincerity or the depth and power of his religious convictions." In religion as in politics, Mr. Dunlap was a convert. In 1834 he passed from the Unitarian to the Congregational church as a result of a visit to a Bowdoin and Brunswick prayer meeting. Dr. Cyrus Hamlin, who was a student in Bowdoin at the time, describes the circumstances of the change in his "Life and Times":

"One Sunday evening as I entered the church, rather late, Dr. Tappan was at prayer, and the burly form of Governor Dunlap was right before me. Then the whole audience stood in prayer. Governor Dunlap was known as a pronounced Unitarian, a Democrat, and aristocrat. I wondered what had drawn him in; whether it was merely to find something for sarcastic criticism. Soon Dr. Tappan fell upon him in prayer. At first he prayed for the governor of the state in very appropriate language, such as any minister might use, and then proceeded to individualize him in a most remarkable and earnest manner, praying that he might feel such a sense of his sins and his danger of eternal ruin and of his need of a Saviour that he would gladly choose to die as a beggar with Christ as his Saviour, rather than attain the highest prizes of political ambition without him, etc. It was painful and astonishing to many persons present, who thought the evil one had crept into that prayer so as to raise a row with the Unitarians. We changed our minds when, the next morning, at chapel prayers, President Allen prayed for the governor of the state, who had passed a sleepless night under deep conviction of sin."

Notwithstanding a soothing statement of the *Argus* that Smith had not been discarded nor would he be forgotten, his friends were angry and sore. For a while it appeared that the Whigs might nominate him but he had, though somewhat unwillingly, made many removals, and the Whigs believing this to be a violation of the promises in the Bridge circular, and disapproving of certain actions of his in the boundary dispute with Great Britain, renominated Mr. Goodenow.

Smith's friends determined to support him as an independent candidate, and the Governor, as far as the public knew, neither approved nor forbade their action. One of their most prominent leaders was Jonathan P. Cilley of Thomaston, who in vigorous speeches assailed nullification and accused leading supporters of Dunlap of being in sympathy with it. A great meeting which he addressed voted to oppose Dunlap *pugnis et calcibus*. The Dunlap men were also embarrassed by a widespread dissatisfaction with their candidate for Congress in the Cumberland district, F. O. J. Smith.

The *Argus* fought the battle of the regulars with zeal if not discretion. It accused Cilley of having committed perjury and was later sued for libel and obliged to retract. It narrated the services of F. O. J. Smith, saying that in 1828 he had written for the paper under the name of Leonidas a very effective series of letters against Adams, that he had for years furnished the leading editorials of the *Argus*, that to his pamphlet describing

the conduct of the Hunton Legislature in 1830 was chiefly due the Democratic victory of that year, that during the last year he had acted as President of the Senate in so fair and impartial a manner as to win the approbation even of his political opponents. No other candidate that might now be nominated to replace Smith, said the *Argus,* could so well unite the party. Menaces too were not wanting. With stern italics the *Argus* declared that *"Every man who now takes side with the Junto, will find himself thrust back at least six years in his political standing with the Republican party, however much he may try to avoid it."*

Arguments, threats, the power of "regularity" and the Democratic feelings of the citizens of Maine, again gave the victory to the Jackson party. But a comparatively small change of votes would have prevented an election. The vote stood: Dunlap 25,731, Goodenow 18,112, Smith 3,024, Hill (anti-Mason) 2,384, scattering 101. Mr. F. O. J. Smith was also elected to Congress, by a small majority. The triumphant *Argus* now called for "justice," though for a justice tempered with mercy. All the bolters were not equally guilty, it said, some were deceived, but the leaders should not be passed over.

When the Legislature met, Governor Dunlap in his message spoke of the nullification movement in terms shrewdly chosen to please Jackson and both wings of the party in Maine. He said that the wisdom, firmness and moderation with which "the attempt at nullification was controlled by the vigilant and patriotic Chief Magistrate of our National Government, without compromitting the constitutional rights of the States, justly merit the gratitude and applause of the American people."

The year 1834 witnessed the culmination of the struggle between Jackson and the United States Bank. In 1832 the President had vetoed a bill to re-charter it, and in the fall of 1833, fearing that the bank might force or bribe a two-thirds majority of Congress to grant a new charter, he ordered the Secretary of the Treasury to "remove the deposits," that is, to cease depositing the United States revenues in the bank, and to pay the expenses of the government by drawing from time to time the money which was already lying there subject to the order of the Treasury. The Secretary refused to obey and the President removed him and put Roger B. Taney, a more compliant man, in his place. Taney immediately removed the deposits, and there followed a panic, hard times, and a violent dispute all over the country as to whether the President or the Bank was to blame.

Banks were not popular in Maine, and there the Democracy suffered little. There were, however, some defections of prominent men. The best known of the revolters was ex-Governor King, who had failed of a reappointment as collector at Bath. Another was James L. Churchill, the sole Jackson elector from New England in 1828. The *Argus* accused him of sell-

[5] *Argus,* Jan. 7, 1834.

ing out to the Bank, and also charged that he acted from pique because F. O. J. Smith had been preferred to him as the Democratic candidate for Congress. The Bath *Enquirer,* formerly a neutral paper, joined the opposition to the President.

The Whig merchants put pressure on their employees to "vote right." A well-known business man of Portland in reply to charges of exerting undue influence, published a card in which he stated that he had been a strong supporter of the Administration till it attacked the currency, that he had said and did say that he would not employ any man who was against a national bank, for he could not conduct his business without one. Another prominent citizen stated that in employing men he would always give preference to such as voted in favor of what he himself thought was for the best interests of the country.

The Whigs seem to have had an excellent organization. Their State Central Committee issued a circular recommending that in each county there be a committee of five, in each town and plantation one of three, and an agent in every school district. Their nomination was not made until well in to the summer, when a great convention was held at Waterville. No effort was spared to obtain a large attendance. The date was the same as that of the college commencement, and for those who were less literary in their tastes there was "a grand menagerie of living animals," not the convention, but a show provided by Waring, Tufts & Co. Ex-Governor King presided, and Peleg Sprague was nominated for Governor. The Democrats in a legislative caucus again nominated Dunlap. The campaign does not seem to have been a particularly fierce one, although a large vote was brought out. Sprague, who as Senator had refused to obey instructions, was accused of acting on the principle of the divine right of kings. John Holmes, who took the stump for Sprague, attacked one of the Democratic candidates for Congress because of his misuse of English, and the *Argus* retorted by quoting from instructions issued by King as major-general of militia, which contained various errors in spelling, such as "dobt" for "doubt" and "here" for "hear." The *Argus* indulged in the demagogic argument that only a few could borrow from a national bank. On election day both parties made large gains, but again the Democrats won. The vote stood, Dunlap 38,133, Sprague 33,732, Hill 1,076, scattering 90.

The first business awaiting the new Legislature was the election of a United States Senator. The Democrats had a clear majority in both houses and their nomination was equivalent to an election. Their choice fell on John Ruggles of Thomaston. Mr. Ruggles was born in Westboro, Mass., October 8, 1789. He graduated from Brown in 1813, studied law with Governor Levi Lincoln, and with a Mr. Howe, of Westboro. He commenced practice in Skowhegan in 1815, and moved to Thomaston in 1818. He took an active part in politics, served as Speaker of the Maine House from

1825 to 1829, and in 1831 and 1832, and strongly supported the nomination of Mr. Dunlap for Governor. It was said that he believed such a course would help him in obtaining a United States Senatorship. At the time of his election he was a judge of the common pleas. He served but one term as Senator, broke from his party on the sub-treasury question, and was retired from political life.

Mr. Ruggles' election left a vacancy on the bench of common pleas, and he was succeeded by ex-Governor Smith. Some who had opposed his renomination for Governor favored his appointment. Even the *Argus*, now under a new editor, in a somewhat hesitating way held out the olive branch. It said: "When upon the bench he gave very general satisfaction, and is universally acknowledged to be a sound lawyer. They (former opponents who advised his appointment) are also anxious to satisfy Governor Smith and his friends that they were actuated by no unfriendly spirit towards him, in preferring another for governor."[6]

One of the acts passed during this session caused much bitterness and returned to plague its inventors. This was the "small bill law." There was a strong feeling against banks, in Maine. Governor Dunlap suggested in his message that it would be worthy the consideration of the Legislature whether it would not be well to gradually curtail the right of the Maine banks to issue bills under $5.00. The Legislature, believing that the currency was dangerously inflated and that if small bills were driven out coin would come in to take their place and give a broader metallic basis for the paper money remaining, passed such a law.

In national affairs the most important event was the death of Chief Justice Marshall. The Democratic papers in Maine had little to say concerning the passing of one of the world's great jurists. Their interpretation of the Constitution was too different from his to enable them to appreciate his rare ability; but they were considerably excited over the question of who would be the dead man's successor. The *Argus* said that it believed that the Democrats were unanimously of the opinion that Taney should be the new Chief Justice. A week later it became terribly agitated over a suggestion that Daniel Webster should be appointed. "President Jackson," it declared, "is too sound a Republican and too patriotic to abuse the good fortune which affords him the opportunity to install the doctrine of *strict* construction in that court. No latitudinarian should be suffered to go on that bench. Nominate *Daniel Webster* for that office. The Hero of New Orleans would sooner see his right hand wither, than sign a commission for such a man."[7]

Anxiety on the subject was quite unnecessary. Taney had served Jackson faithfully in the matter of the deposits. He had for this reason been rejected by the Senate when nominated as an associate justice of the

[6]W. *Argus*, Jan. 20, 1835.
[7]W. *Argus*, July 21, 1835.

Supreme Court, and Andrew Jackson never deserted a friend in trouble, especially if attacked because of loyalty to himself. On December 28, 1835, Roger B. Taney was nominated by the President for Chief Justice of the United States, and in the following March he was confirmed by the Senate by a strict party vote.

This year a new question was put forward as the main issue of the gubernatorial campaign, that of internal improvement. The great need of the country for better means of transportation and the enormous benefit which New York had obtained from the Erie canal had resulted in a mania for turnpikes, canals and railroads; when private resources were, or seemed to be, unequal to the task of providing them, the government was appealed to for help, various States responded by loading themeslves with debts to carry on enterprises which resulted in a heavy loss. Maine had, on the whole, been free from the excitement, but some of the leading business men believed that the government should assist in the development of the State. The Whigs as a national party had supported "internal improvements." The Maine Whigs now declared that the State should adopt the policy, and nominated ex-Governor King, who they hoped might win some Democratic votes. The Democrats renominated Governor Dunlap and met their opponents firmly but not without some apprehension and a slight tendency to "hedge." The *Argus* said that the *Advertiser* urged King's election mainly on the ground that he favored internal improvements, and would if chosen be a De Witt Clinton, but that "we never before heard of General King's enthusiasm for internal improvement. The State has a single specimen of his judgment, economy and taste, in one species of internal improvement—in public buildings. The State House at Augusta was a public work whose construction General King chiefly superintended." The *Argus* said that it seemed that the Federalists, as it was accustomed to call the Whigs, meant to put their principles out of sight "and endeavor to float their candidate into office upon the temporary tide of internal improvements. Perhaps it would be a more just figure to say the Federalists contemplated running General King into the chair of state upon a railroad."

The *Argus* claimed that the project was easier to conceive than to execute, that no man had done more to arouse interest in public improvements than Governor Dunlap, and that the Democrats had shown themselves favorable to practical schemes, and ready to grant State aid "in a judicious and economical manner." Unfortunately Maine was a poor, large and thinly settled State, and the improvements which would most hasten its development would be very costly and would at first directly benefit only a few of its citizens. The *Argus* asked if its opponents could be mad enough to think that the people would burden themselves with millions of debt to build a railroad to the northern border, or were willing to go to Washington to beg aid from the national treasury "and thus practically adopt the American System of Webster and Clay." It declared its

belief that it would be impossible to obtain the vote of the people of Maine "to plunge themselves millions deep into debt to accomplish some grand public work of local and partial utility. It needs but a glance at the map of Maine to show that the form and position of our State offers no opportunity for constructing any single great work—which in its extent and equality of benefit, will compare with the Erie canal."[1]

Internal improvement was not, however, the only issue of the campaign. Both parties had much to say on the subject of banks. The Democratic Cumberland county convention resolved that the Legislature deserved thanks for passing the small bill law, that there should be no United States Bank, and that they approved of the removal of the deposits. The Waldo county convention resolved that no person should be considered as legally nominated for (State) Senator by the convention until he had given a pledge that he would oppose the charter, re-charter, or increase of capital, of any bank in the State.

The Whigs were equally positive. The county committees of Hancock, Oxford and Kennebec announced their approval of a national bank. The county convention of Oxford declared "that the unprincipled attack of the President of the United States and his kitchen advisers, upon the currency of the country, is an act of malicious meanness, unparalleled, except in the blind subserviency of the Jackson party in our last Legislature, in passing the famous *small bill act.*"

Election day proved that Maine was still loyal to Jackson, and fearful of corporations and the money power. There were about ten thousand less votes cast than the year before, but the Democrats gained heavily, while the Whig vote fell off almost exactly fifty per cent. The official figures were: Dunlap 45,608, King 18,680, scattering 90.

The next year, 1836, was that of a Presidential contest. In May, 1835, a Democratic National Convention had nominated Martin Van Buren for President, and Richard M. Johnson, of Kentucky, for Vice-President. Each nomination was unpopular in parts of the country, but both were well received in Maine. The Whigs, discouraged by their crushing defeat in 1832, held no national convention. Their plan was to put up several candidates in the hope that the local strength of each might gain a following, that in consequence Van Buren would fail of a majority and that the election would thus be thrown into the House, where it might be possible to make a combination that would elect one of the opposition candidates. It was at first intended that Daniel Webster should be the New England candidate, and the Massachusetts Legislature nominated him. But the popularity of William Henry Harrison, of Indiana, "the hero of Tippecanoe," "the farmer of North Bend," gave promise of uniting nearly all the Whigs of the North and the Webster support fell away. "He received the electoral vote of faithful Massachusetts, and that was all."

[1] W. *Argus*, Aug. 4, 11, 1835.

The Democrats attacked Harrison's military record, accusing him of cowardice and incapacity, and also charged him with voting in the Ohio Legislature to sell white men imprisoned for debt into slavery, though for a limited time. It was said that Harrison was a rich man, held lucrative offices, lived in a fine house, and was in no true sense of the word a farmer. Just before the presidential election, the *Argus* reminded its readers that "a few years ago Mr. Huntoon, a lawyer, was manufactured into a great *farmer* by the Federal party, on the strength of half an acre of land, and one *hanimal,* and the honest yeomanry of the State were called on to support the farmer of Readfield."[9]

The Whigs assailed Van Buren for voting, when a Senator from New York, for the tariff of 1828, and for giving his casting vote as Vice-President in favor of a bill excluding abolition matter from the mails if addressed to persons in States that forbade the circulation of such publications.

To the first charge the *Argus* replied that Mr. Van Buren voted as instructed by the New York Legislature; it did not say, probably did not know, that Van Buren had himself procured these instructions, in order to avoid responsibility. It at first attempted to explain away Van Buren's vote on the mail bill by saying that he merely wished to give opportunity for the question to be decided by a more fully attended Senate. Soon, however, the *Argus* took a firm stand in favor of the principle of the bill. It demanded whether the slave States had not a right "to prohibit the circulation of incendiary publications manifestly intended to lead to servile insurrections? Secondly, If so, can the laws of the United States exempt its officers, citizens of those States, from the operation of laws, rightfully enacted for the purpose of arresting the circulation of such publications?"[10] It reprinted a long editorial from a Boston paper asking why Webster did not oppose the third reading of the bill, and quoted a statement from Edward Everett, then Governor of Massachusetts, that the compact of the Constitution expressly recognized slavery and that everything which tended to disturb that compact was at war with its spirit.

The presidential contest somewhat overshadowed the campaign for the governorship. The Democratic Legislature renominated Governor Dunlap and praised his administration, but devoted most of its attention to national issues.

The Whig caucus violated precedent by doing what no great party of Maine had ever done before, nominating a Governor who lived in the eastern part of the State. Ex-Governor King having refused a second nomination, the Whigs chose as their candidate Edward Kent of Bangor. The *Argus* rather spitefully remarked, "General King declined, not the office of Governor, but being again a candidate for the office. He 'brought

[9] *Tri. Argus,* Nov. 4, 1836.
[10] *Tri. Argus,* June 13, 22, 1836.

his taters along, last season,"[11] and the people dug them for him. So the candidateship drifted down East, and was moored in Bangor harbor, and will founder in the mud which is there abundant." When the *Argus* came to speak of Kent, however, it did so with a moderation that was highly honorable in a political opponent, describing him as a "gentleman of respectable talents, handsome address, somewhat indolent in his habits, and, as far as we know, of unexceptionable moral character." It added that his family and education were Federalist.[12]

Probably not only Mr. Kent's politics, but his choice of a profession, had been influenced by his family connections. His mother was a sister of Prentiss Mellen, the first Chief Justice of Maine, and the famous Chancellor Kent is said to have been a distant relative. Edward Kent graduated from Harvard in 1802, studied law for a short time in the office of the Chancellor and then under Benjamin Orr of Brunswick, an able Federalist lawyer and public man. It is said that Mr. Kent abhorred drudgery, and was somewhat lacking in energy in his early work on a case, but that when fairly engaged he was earnest, forceful and comprehensive. "While respecting authority, he respected more the great principles on which authority rests. His character was at once lofty and gentle. He hated covetousness and meanness, but fully appreciated the refinements and enjoyments of life. He was sociable by nature, and delighted in clean, quiet humor. He took thought for the happiness of others as well as himself, and was among the early opponents of liquor drinking and slavery."

He was thoughtful for others in small things as well as great. When Governor he refused to accept a date proposed for Thanksgiving until he had constulted an almanac to see if the moon would be full on that night. He said that he remembered how he enjoyed when a boy the moonlight rides which the young folks were accustomed to take on Thanksgiving evening, and that he desired the boys and girls to still have that pleasure. "In person, Mr. Kent was tall and impressive, his manners were affable and courtly, as a speaker he was forcible and logical, but his style had little of the brilliance or grace of the orator." He early entered political life and represented the Bangor district in the Legislature, where he showed himself a good speaker and lawyer and a faithful party man.

Mr. Kent did much better as a candidate than had his predecessor, General King, but Governor Dunlap was again chosen, as both Whigs and Democrats had expected. The vote stood: Dunlap 31,837, Kent 22,703, scattering 148. Although it was a presidential year, the total vote fell off nearly 8,000 from that of the year before; the Democrats lost between 13,000 and 14,000 votes and the Whigs gained some 6,000. In the Congressional elections they ran the Democrats so close as to prevent a choice

[11] A reference to the charge that King had exported potatoes to Bermuda during the embargo period and the War of 1812.

[12] *Tri. Argus,* March 11, 28, 1836.

in every district. The Democrats consoled themselves with the reflection that there had been much factional fighting in the party, and that the State was safe for Van Buren in November. Time proved their forecast correct, at the presidential election Van Buren received 22,990 votes and Harrison only 15,239.

During this year United States Senator Shepley resigned to become a member of the Supreme Court of Maine. Governor Dunlap appointed Judge Dana of Fryeburg to fill the vacancy until the Legislature should act.

Mr. Dana was then sixty-four years of age, and was probably chosen because while a worthy and able man he would not be a candidate for another term, and by appointing him Governor Dunlap would avoid giving offence to influential men who aspired to the office. Mr. Dana was a grandson of General Israel Putnam. He was a native of New Hampshire, and a graduate of Dartmouth in the class of 1795. In 1798 he settled in Fryeburg and began the practice of law, being the first lawyer who settled within the limits of what afterward became the county of Oxford. From 1811 to 1822 he was associate justice of the court of common pleas for that county. He took an active part in the constitutional convention of 1819, had been a member of the Council and Bank Commissioner. Willis says of him: "He was a ready speaker, urbane and conciliating, but of unquestioned firmness. In all public positions, he was true and faithful, and fully equal to the demand upon him."[13] In private life, no gentleman could be more genial. Time and chance were never wanting with him to say and do kind things to every one within his circle. In a large sphere of professional life, Judge Dana could have acquired a more brilliant reputation, but he loved the country and its retirement, and there chose to act his part, keeping fresh, however, in the world's history, living and past. He died in December, 1845, at the age of seventy-three, with a consciousness of having endeavored to discharge the duties of life, and with a firm religious trust; leaving a handsome estate, the fruit of his labor, his care, and judicious management."

Governor Dunlap's appointment of Mr. Dana to the Senate was merely temporary. The person to fill out Judge Shepley's unexpired term must be chosen by the Legislature, and they elected Reuel Williams.

"Mr. Williams was born in Augusta, then a part of Hallowell, on June 2, 1783. He was educated at the common schools and Hallowell Academy, and at the age of fifteen entered the law office of Judge James Bridge. When nineteen he had earned $1,000 by copying documents, and was given an interest in Judge Bridge's business, although he could not be admitted to the bar until he was twenty-one. The business consisted mainly in the management of real estate and the conduct of suits relating to titles to land,

[13] He could, however, be intensely partisan. His short term as Senator was marked by several extremely Democratic speeches, in one of which he praised President Jackson in a most extravagant manner.

Judge Bridge being agent for the proprietors of the Kennebec Purchase. In 1812, Judge Bridge, having accumulated an abundant fortune, retired from practice, leaving Mr. Williams in full receipt of the emoluments of their large business. Up to this time, the arguing of law questions had been chiefly performed by Judge Bridge, while the office duties and labors devolved mainly on Mr. Williams, who was compelled to throw his whole strength into the work, in order to perform the routine of daily business. His studies, therefore, necessarily ran to particular questions and pending cases rather than to elementary works, and his learning as a lawyer was more the result of a large practice, calling for the investigation of points of law bearing on his own cases, than any arranged plan of study. He was not, therefore, a man of extensive law reading, beyond the investigation and preparation for argument of cases in court. This course of study gives great sharpness and clearness of legal vision. He always argued closely and logically without the forms of logic. His power of analysis and of methodical arrangement was remarkable and contributed greatly to his eminent success.

"In addition to his large practice growing out of the agency of the Kennebec Purchase, he had the charge of the Bowdoin Lands, a very large and valuable property, which he managed with admirable skill. He also had a large miscellaneous practice in which the faithful discharge of his duties was ever conspicuous. His addresses to the jury, as well as to the court, were free from any attempt at rhetorical display, but remarkable for power of condensation, concentration, and directness of argument, and, though usually brief, were effective and convincing. He was so intensely occupied in his professional labors for many years without time for study outside them, that he was more a man of business than a man of books." After twenty years devotion to the law he entered political life. He served continuously in the Legislature from 1822 to 1829, both inclusive. In politics Mr. Williams was at first a Federalist, when that party dissolved he acted with the Republicans.

In 1829 Representative Peleg Sprague was elected United States Senator, and Mr. Williams and George Evans were each put forward as the National Republican candidate for his vacant seat in Congress. On the first election there was no choice, on the second Mr. Evans won. The friends of Mr. Evans had accused Mr. Williams of being a Jacksonian. Mr. Severance, the editor of the Kennebec *Journal,* had vigorously repelled the charge, but, to his great mortification, Mr. Williams after his defeat proved it true by openly going over to the enemy. It is said that he had voted for Adams in 1824, but it would appear that his sympathies were at one time with Crawford. Mr. Williams was reelected to the Senate after the expiration of the remainder of Judge Shepley's term. He served four years and then resigned. His work in the Senate had been creditable, but he was better fitted for that of the bar. After leaving the Senate he

became much interested in railroad building, taking an active part in unfortunate rivalries which divided the State. In 1861 he went to Washington as joint commissioner with Vice-President Hamlin and John A. Poor, of Portland, to request the general government to erect fortifications for the protection of the coast of Maine. This was Mr. Williams' last public service. He died at Augusta, on July 25, 1862, in the eightieth year of his age.

He early acquired a fortune which he used in a large and generous way. He devoted much time and money to the establishment of an excellent line of stage coaches between Augusta and Bangor, and to the erection of the Kennebec bridge and the Augusta dam. He gave $10,000 to the building of the State Insane Hospital, and was for many years president of its board of trustees; he was for thirty-eight years a trustee of Bowdoin College, and on his retirement presented it with $3,000. He took great interest in all things pertaining to Augusta, and the prosperity of the place is largely due to his efforts. He procured the holding of all the county courts there and took an active part in the transference of the capital from Portland. John A. Poor says:

"A striking trait in Mr. Williams's character was a habit of early rising, commenced in boyhood, and continued through life. He was always prompt at his post, whether at school, in his office, or other position. He invariably took the earliest hours of the morning for the performance of labor, and was thus enabled to accomplish more than others. By systematic use of time, he achieved more, in the fruits of labor, than any one known to me. He could sustain the most exhausting intellectual effort without apparent fatigue. He had extraordinary powers of abstraction, so that he could give his mind fully to the investigation of any required subject, withdrawing his thoughts from other topics, till he mastered all its details of fact and comprehended the principles involved; and then turn his mind upon another matter equally difficult, without any confusion of ideas or loss of perceptive power. When his mind had been called to examine a question, he held on to it till he saw all its bearings and relations clearly and distinctly, and his mind never wavered or hesitated as to its conclusions. These traits were early developed, and by this means he could readily dispose of a vast number of difficult questions, which ordinarily would embarrass and perplex men of less clearness of perception and less strength of purpose.

"This habit of doing a thing thoroughly and at the first, and so arranging all his books and papers as to lose no time in a confused search for what he wanted, made him the remarkable business man that he continued to be through life. He never allowed himself to add a column of figures a second time, and never found himself, or was found by others, to be mistaken.

"To extraordinary energy, Mr. Williams united a large share of common sense. He had a well-balanced mind, with excellent judgment, without any brilliant qualities of any sort. These gave him great success. His influence with the jury was most remarkable, from the confidence felt in his sincerity and the truth of his statements. He had the power of pre-

senting such arguments and reasonings as would satisfy the common sense and ordinary understandings of men. His sense of justice was always predominant. In testifying to facts affecting his own interests, no one could fail to see his exact regard for truth, and his anxious desire to give full force to facts adverse to his own side of the case. Instances of this sort are abundant and familiar to our courts and lawyers.

"He had no sympathy with persons infirm of purpose, or deficient in energy and courage. He felt that success in this world was open to all men alike, and he had no patience with a spendthrift or a sluggard, though ready to help the unfortunate and deserving."[14]

Van Buren's inauguration as President was followed by a panic that prostrated business throughout the country. The disaster was precipitated by Jackson's famous specie circular requiring the purchasers of public lands to pay for them in gold or silver, or in land scrip; that is, in government certificates of a right to receive specified quantities of public lands. The Whigs blamed the government for the panic, the Democrats blamed the people; there was truth in the assertions of each, but the voters were far readier to accuse the party in power than to recognize their own imprudence, and the Whigs profited accordingly. There were also State laws which were very embarrassing to the Democrats. The small bill law of 1836 had proved a thorough nuisance; now that the panic had driven specie from circulation, it was totally impracticable and no one obeyed it.

An unfortunate political situation was not the only difficulty which the Democrats had to meet in the campaign of 1837. Their candidate was a burden rather than a help. Governor Dunlap, who was serving his fourth term, declined a renomination and a State convention was held to nominate his successor. The principal candidates were Colonel Gorham L. Parks of Bangor, and Rufus McIntire of Parsonsfield. On the first ballot the vote stood: Parks 150, McIntire 133, Johnson of Belfast 10, scattering 8; on the second ballot Parks was nominated, receiving 167 votes to McIntire's 137. McIntire immediately moved that the nomination be made unanimous, saying that he was pleased by the support given him by his friends, but much more so at the result of the contest. The motion for unanimity was, of course, carried, and Colonel Parks in accepting the nomination said that he had been chosen in preference to his dearest friend whose high character gave him a much better claim, but that "if we have accidentally been made rivals, we can never be otherwise than friends."

Nothing could be more sweetly harmonious, and it would seem that the Democrats ought to have marched to battle cheerfully, shoulder to shoulder But the reverse was the case. Personally, Colonel Parks was a man to conciliate and win opponents. A Bangor paper, the *Eastern Republican*, which had favored McIntire, promised its cordial support to the nominee and bore testimony to his "most urbane and courteous manners and gentlemanly deportment." In some respects he resembled his opponent and fellow-

[14]Poor, "Memoir of Hon. Reuel Williams, "Coll. Me. Hist. Society, I, 8:335-385.

townsman, Edward Kent, who had been renominated by the Whigs, but he had less strength of character and solid worth. Judge Godfrey says of him in his history of Bangor: "Colonel Parks was a gentleman of fine personal appearance, of courteous bearing, and a popular speaker. He was a lawyer, but more a politician than a lawyer. . . . He possessed considerable literary tastes, but was a greater reader than worker. He preferred official life to office life."

Such a man can usually poll the full party strength but Parks was unfortunate in his friends. Many of them were "young Democrats" whose efforts to nominate their candidate had given offense to the older and more influential members of the party. Many had formerly shown a readiness to bolt, which now raised suspicion that they and their candidate were not sound and loyal Democrats. Parks himself had once been a Federalist, and the Whigs did not fail to point this out and accuse him of turning his coat to further his political ambitions. Many of his supporters, instead of trying to make the past forgotten and unite the party, boasted that they would put down the *Argus* and seize the offices for themselves and their friends. Parks indeed announced that he would not favor any faction, but this did not remove the uneasiness of the ruling clique. A call to support the "regular" nominee might, however, have steadied the waverers, had it not been discovered that Parks himself had been planning open revolt if another Bangor Democrat, Mr. Hodsdon, were nominated. Six years before, Parks, in a legislative caucus, had quarrelled with F. O. J. Smith and attacked him with such vigor and severity that it is said that for some time Smith was ashamed to show his face in a caucus. He now took his revenge. Senator Ruggles had written a letter in which he stated that Parks had told him that if Hodsdon should be nominated he "would oppose his election in every shape and form and at all times and places in which his opposition could be made to bear upon him," and that he (Parks) and his friends would see to it that Hodsdon did not receive more than a fourth of the usual Democratic vote in Penobscot county. Mr. Smith contrived to have the letter read in a Democratic caucus, where, of course, it made a most unfavorable impression. Henry Warren, of Bangor, affirmed that he had heard Parks make a like threat.

William Emerson and one hundred others published a statement that they did not believe that the convention at Augusta would have nominated Colonel Parks had they known of these statements of his, and also that Samuel Smith, a former Federalist, was actively supporting him, and they declared that unless these matters were satisfactorily explained they could not vote for Parks.

The unfortunate candidate had alienated the politicians. He also offended the moral sentiment of the community where he lived. Governor Dunlap had appointed Colonel Joshua Carpenter, a well known and rather unscrupulous politician, sheriff of Penobscot. Colonel Carpenter had

enemies in both parties and they watched carefully to catch him tripping. At last their opportunity came. He was arrested on a charge of adultery, found guilty, and removed from office by the Governor. Colonel Parks had acted as his counsel, and in the midst of the campaign he was charged with saying that he would not have removed Carpenter, that no man ought to be removed from office for the offense of which Carpenter was accused, that he was a high-minded and honorable man, and that the law under which he was convicted ought to be repealed.

Several respectable citizens of Bangor swore that they had heard Colonel Parks use such language. On these grounds the *Whig* charged him with favoring licentiousness. Parks replied that the latter charge was utterly false, but he admitted that "knowing the prosecution of Colonel Carpenter arose from personal and political causes, he 'very probably remarked that he would not have been prosecuted but for political reasons, and possibly that if the law was never put in execution but for the gratification of private motives and not for the furtherance of justice or the punishment of crime, it had better be off the statute book.'" The *Argus* made a vague denial of the Carpenter charges and accused one of the leading Whigs in the State of immorality, but this did not save Parks from paying for his indiscreet language. A candidate is usually stronger than his party in his own locality, but Parks polled less than the usual Democratic vote in Bangor. Hodsdon, whose election Parks had declared he would oppose with all his might even if he were regularly nominated, was a Bangor man and had many friends in the city and county.

The fact that Kent, like Parks, was a resident of Bangor, prevented the Democratic candidate from making the appeal to local pride which he would otherwise have done; moreover, Parks had "never," says Judge Godfrey, "particularly identified himself with the interests of the city."

When the ballots were counted it was found that Parks' ill-success in his own town had prevented his election, though by a very narrow margin. Kent received 34,358 votes, Parks 33,879, and there were 286 scattering, mainly for F. O. J. Smith. The Democrats denied the correctness of the returns. On the meeting of the Legislature, a House committee, a majority of whom were Whigs, reported that Kent had a majority of the legal votes. The Senate submitted to the Supreme Court the questions: Can evidence be received to prove that the returns made by the selectmen are incorrect, and if so, can parol evidence be admitted? The judges answered that they were unanimously of the opinion that the action of the selectmen was final. They said that the letter of the Constitution gave no power to the Legislature to go behind the returns and that the right could not be inferred by any fair implication. The Constitution manifestly intended that there should be a prompt organization of the State government, but should the final determination of the election be left to the Legislature there might be great delay. The court intimated that the Legislature was not well qualified for

verifying disputed facts "covering a broad field of inquiry, and involving much of the law of evidence."

The court stated that as to the alleged danger of fraud or mistake, it might be sufficient to say that this was a question for the framers of the Constitution to determine, but that great trusts were imposed on the selectmen. The judges then spoke of these petty local magistrates in terms more worthy of a Justice Shallow than of the highest judicial officers in the State. They added, however, that they did not doubt the power of the Legislature to satisfy itself that the returns came from persons legally qualified to make them and were not forged, and that should the number of votes in a town greatly exceed that of the lawful voters this would be evidence of forgery. It would appear to a layman that the discrepancy would be evidence of fraud, but not necessarily of forgery and that the court shrank from following its principles to their logical conclusion. The opinion was, however, decisive of the practical question before the Legislature. The Whigs made no effort to obtain an acceptance of the principles laid down in the report of the House committee, and the Democrats acquiesced in the passage of a resolution declaring Mr. Kent Governor.

The election of a Governor was not the only political battle of the year 1837; there was also a sharp contest over the disposition of Maine's share of the "surplus revenue." By the close of Jackson's administration a large amount of money had accumulated in the national treasury. The Whigs had been trying for some time to distribute the proceeds of the public lands among the States, but the opposition of the Democrats defeated their plans. In 1833 a distribution bill passed Congress, but President Jackson killed it by a pocket veto. In 1836, however, he approved a law providing that the money in the treasury on January 1, 1837, in excess of $5,000,000, be "deposited" with the States in proportion to the number of their Representatives in both houses of Congress. The deposit was to be made in quarterly instalments, and was subject to recall at the pleasure of the Secretary of the Treasury. The intention was to make a present to the States, but the law provided for a deposit to satisfy the scruples of some Senators and Representatives who denied the constitutional right of Congress to give away the public money.

In Maine there was a sharp dispute over the use to be made of her part of the "loan." The Whigs urged that it be used for some public purpose, the Democrats demanded that it be divided among the people. They claimed that money for public purposes should be obtained by taxation, every man would then contribute according to his means, but if the surplus were spent in this manner instead of being divided *per capita*. then the rich man paid no more than the poor man, each lost the same sum.

The Legislature voted that the money be divided among the towns and plantations, according to population, care being taken that residents in unorganized territory should receive their share. The towns and planta-

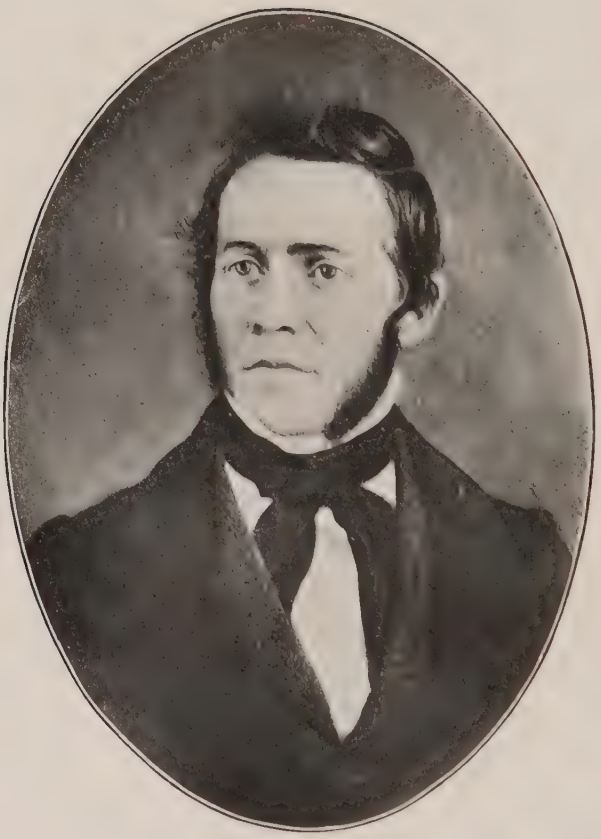
tions were permitted to use the money for any purpose for which money raised by taxation might be used or to loan it on ample and safe security. They were also allowed to let it remain at their own risk in the treasury, the State loaning it for them and paying them the interest received. The towns and plantations were bound to return the principal they had received should the United States recall the deposit.

The struggle was now transferred to the towns. Various towns voted to distribute the money, but their right to do so was denied. A test case was made and taken to the Supreme Court. The court decided, Judge Shepley writing the opinion, that money raised by taxation could not be divided among the inhabitants, and that the towns were only allowed to use the money as they would proceeds from taxes. To an argument that the selectmen had no right to question the orders of the town whose agents they were, the court replied that they were not obliged, and indeed had no right to obey an illegal order.[18] But the people were determined not to lose their gratuity, and in the following winter the Legislature released the towns from any obligation of returning the "deposit," and permitted them to divide it among the inhabitants.

In 1838 the House was Whig, and the Senate Democratic, both by small majorities, while the election for Governor had been so close that it was alleged that a fair and legal count would have changed the result. It was natural, therefore, that political feeling should run high. Governor Kent made numerous changes among the office-holders, and the Democrats declared that notwithstanding the horror at partisan removals, formerly expressed by the Whigs, they now removed every Democrat they could reach, except when they could not agree among themselves as to who should have his place. The Democrats also accused Governor Kent of being a mere automaton, of taking the orders of a legislative caucus instead of making nominations himself as other Governors had done.

The principal difference between the parties in matters of legislation arose over the small bill law. All agreed that at present it was unworkable and a nullity. The Whigs declared that their original opposition had been justified by the results of the act, presented numerous petitions against it, and in the name of the people demanded an immediate repeal. The Democrats answered that the law had worked well until the suspension of specie payment by the banks, that if it had not been passed there would have been "$600,000 to $800,000 more of paper money in the State," and that, notwithstanding the great efforts of the Whigs, only five thousand out of seventy or eighty thousand voters had been induced to sign petitions. The Democrats proposed that the law should be kept in force so far as it related to banks out of the State, but that the Maine banks should be exempted from its operation until the resumption of specie payments. A compromise was finally agreed on, and a bill was passed suspending the

[18] Hooper v. Emery, Maine Reports, XIV, 375.



GOV. FAIRFIELD

act for two years.[16] In 1840 it was suspended until the Legislatures of New Hampshire and Massachusetts should pass laws similar to that of Maine, and as they never did the new act, though technically a suspension, was practically a repeal.

Notwithstanding differences in the Whig camp over appointments, Governor Kent was renominated without opposition. Colonel Parks wisely declined being a candidate again, and was rewarded by the office of United States Marshal of Maine.

A convention was held at Augusta to select the Democratic nominee, and the men who had been thrust aside the year before were now very much in evidence. The *Argus* said that it was "in the highest degree satisfying and encouraging to see so general an attendance of the older members of the party—of the venerable *Sachems,* whose judicious counsels in times past have led to so many substantial triumphs."[17] The Whigs declared that the convention was made up of office-seekers, office-holders, and men lately removed from office, not of the honest yeomanry, and that it was managed by the politicians in a way which disgusted the people of the interior of the State. There were two candidates—Rufus McIntire of Parsonsfield, who had been strongly supported for the nomination the preceding year, and John Fairfield, of Saco. But one ballot was taken, and that seemed hardly necessary; Fairfield received 311 votes and McIntire 17. Mr. McIntire was a loyal Democrat, with much experience in public life, and a man of excellent character. He had served four terms in the National House, and it is difficult to understand why he made so poor a showing. He was an elderly man, moderate in his views, and may therefore have been regarded as behind the times by some of the young and radical members of the party. What was more important, he had the managers against him, not only the "old sachems" but the younger ones as well. Hannibal Hamlin, who was now becoming prominent in State politics, had organized Eastern Maine for Fairfield, with whom he was personally well acquainted and of whose character and ability he had a high opinion. Nathan Clifford of Newfield, another rising young Democrat, also worked unremittingly for Fairfield. It was alleged that Mr. Clifford buttonholed every delegate to the convention as soon as he arrived and did his best to win the new comer. This zeal was by no means unselfish. The Newfield lawyer wished for Fairfield's seat in Congress and the only way to make a vacancy was to get him elected Governor.

Mr. Fairfield was born in 1797; he served on a privateer in the War of 1812, afterwards engaged in business and then became a lawyer. From June, 1823, to October, 1835, he was reporter of the decisions of the Supreme Court, and he was completing a second term in the National House of Representatives when he was nominated for Governor. From the Gov-

[16] *Tri. Argus,* Feb. 5, 28, March 9, 12.

[17] *Tri. Argus,* June 25, 1838.

ernorship he passed to the United States Senate but died after four years' service.

There was a third candidate, F. O. J. Smith, the Representative in Congress from the Cumberland district, who was nominated by the "Conservatives." President Jackson's removal of the deposits from the United States Bank had not been cordially approved by all who consented to support it. James Buchanan and George M. Dallas of Pennsylvania had only given their adhesion at the last moment, and the Secretary of War, General Cass, would probably have resigned had not the President publicly assumed the whole responsibility for the removal. Van Buren was no Jackson to compel reluctant followers to march to the tune he chose to call, and he had gone a step farther than Jackson in his anti-bank policy.

The failure of many State banks and the loss of large sums of public money deposited with them had caused the President to urge the passage of a "sub-treasury bill" providing that the government should keep its money in buildings of its own in various parts of the country. The friends of State banks that had been or hoped to be public depositaries, criticised the new plan, and Democrats who felt that it was the duty of the government to regulate the currency strongly opposed "the divorce of bank and State." An actual revolt broke out, led by Senator Rives of Virginia and Senator Tallmadge of New York, and among their followers were Senator Ruggles and Congressman Smith of Maine. The dissenting Democrats took the name of Conservatives. In Maine a number of Conservatives met in convention at Bangor and nominated F. O. J. Smith, who was then in Europe on business, for Governor. The Bangor *Democrat* declared that the convention was a Penobscot and bank affair, that not more than ten of the sixty or seventy members lived out of Penobscot county, that nineteen of the delegates were directors or officers of banks, and that eight banks were represented by nineteen of their officers.[18]

The candidate was as open to criticism as the convention. He was not, indeed, lacking in industry, ability or experience in public life. But his character was that of the typical "politician." It was said of him that he appealed to the lowest motives and that he resembled General Benjamin Butler of Massachusetts. In following Smith through his *varied* political alliances one is reminded of what Lowell said of Caleb Cushing:

> "General C. is a dreffful smart man
> He has been on all sides for power and pelf
> But consistency still wuz a part of his plan—
> He's been true to one party, and that is himself."

Mr. Smith is reported to have made a joke of his frequent passing from one party to another. It was stated that he said in a campaign speech for Fremont, "You may think that I have been somewhat erratic in my political course, but I have always been careful of one thing, to be on the

[18]Quoted in *Tri. Argus*, Aug. 3, 1838.

winning side, and as I now support Fremont you may be sure that he will be elected."

Smith had the support of several newspapers, including the Frankfort *Intelligencer,* the Lincoln *Intelligencer,* and the *Eastern Republican* (Bangor). The Democrats abused the Conservatives as traitors; the latter retorted by calling themselves "unchanged Democrats," quoted from Jackson and Benton to prove the danger of giving the President control of the money of the country, and asserted that they were taking the safe middle course between a monster bank and a despotic treasury, and that only such action could save the Democratic party from ruin.

Another issue was the once famous Graves-Cilley duel. Early in the spring Maine had been shocked by the news that one of her Representatives at Washington had been killed in a duel with another member of the House. Indeed, the whole country was stirred, for the circumstances were such as to arouse party and sectional feeling as well as moral indignation. Matthew L. Davis, a well-known newspaper correspondent, had said in a letter to his paper, the New York *Courier and Enquirer,* that he could prove that a member of Congress had offered to sell his influence with a department, and had declared that "things do not go here by merit but by pulling the right strings; make it my interest and I will pull the strings for you." The editor of the *Courier,* James Watson Webb, vouched for the character of his correspondent and demanded an investigation. Representative Wise of Virginia moved that an investigation committee be appointed. There was a sharp debate in which Mr. Cilley, of Maine, clashed with Representative Wise, and spoke severely of the character of Webb. Davis was called to the bar of the House, and stated that the person he had referred to was not a member.

Shortly afterward, Senator Ruggles, of Maine, published a statement that he had been informed that he was the member against whom Davis had made his charge. He stated that he had rendered purely legal services in preparing an application for a patent, that he was promised a quarter-interest for doing so, but that the papers, though drawn, were not executed, and that he had never received any compensation. At his request the Senate appointed a committee of investigation which exonerated Ruggles, and their report was accepted by the Senate.

Meanwhile Webb, after waiting eight days, came to Washington and sent a challenge to Cilley, which the latter refused to receive. The bearer, Representative Graves, of Kentucky, demanded that Mr. Cilley say in writing that he did not decline the challenge because of any personal exception to Mr. Webb as a gentleman. Mr. Cilley refusing to make any statement in regard to Webb's character, Graves sent him a challenge through Representative Wise. Cilley accepted it and named rifles as the weapons. The meeting took place and two shots were exchanged without either party being injured. After each exchange, attempts were made to effect an

accommodation, but unsuccessfully. Mr. Cilley was perfectly ready to express, as he had already done, esteem and respect for Mr. Graves, but insisted on saying that he did not choose to be drawn into any controversy with Mr. Webb. At the third fire, Cilley was shot through the femoral artery and died immediately.

The news of the duel was received in Maine with an outburst of anger from the Democrats. The *Argus* headed its account, "Murder Most Foul." In a much italicized and capitalized article it declared that "A Republican representative from our State has been basely murdered by an acknowledged leader of the Federal party in pursuance of a combination against his life, and for a faithful and conscientious discharge of his public duties." It asserted that Cilley's life had been sacrificed in pursuit of a settled policy "that those who can not be intimidated must be silenced.." "Do we live," it asked, "in a government of laws? If not, let us know it. If yes, then let those laws be executed. Let the murderers be brought to trial, and from their trial to the gallows. A National Government which will not protect the Northern members of Congress in the fearless discharge of their duty is not worth preserving. New England should never humiliate herself by being represented in any body which ruffians like Wise and Graves are permitted to disgrace. The North, depend on it, will not submit to have her representatives shot down like dogs, by the trained assassins of any section of the country."

A little later the Legislature requested the Maine Senators and Representatives to use their efforts that the investigation of the circumstances of the duel be not abandoned until all the facts were ascertained and reported, and stated that if any Senators or Representatives were implicated in a conspiracy which led to Cilley's death, they should be expelled. The Legislature also expressed its abhorrence of duelling and requested the Representatives of Maine in Congress "to give their united support to the establishment of such laws, legislative and conventional, as may prevent the recurrence of such melancholy events as that which has recently clothed our State in sorrow."

That the killing of Cilley should be regarded as a murder in Maine is not strange, but the same term was applied to it by Andrew Jackson. He said in a letter to President Van Buren, "I cannot write on the murderous death of poor Chilley (Cilley). If Congress does not do something to wash out the stain of the murdered blood of Chilley from its *Walls*, it will raise a flame in the public (word erased?) mind against it not easily to be quelled. *Chilly was sacrificed.*"[19]

A like view was taken by his friends. Nathaniel Hawthorne, who had being a classmate and an intimate of Cilley at Bowdoin, said in a sketch of him: "A challenge was never given on a more shadowy pretext; a duel was never pressed to a fatal close in the face of such open kindness as was

[19]Van Buren MSS. Jackson to Van Buren, March 26, 1838.

expressed by Mr. Cilley; and the conclusion is inevitable that Mr. Graves and the principal second, Mr. Wise, have gone further than their own dreadful code will warrant them, and overstepped the imaginary distinction which, on their own principles, separates manslaughter from murder."

Cilley himself appears to have believed that the challenge did not really come because of wounded "honor." Colonel Schaumbourg of Pennsylvania, who acted as one of Cilley's friends, that is, assistant seconds in the duel, stated that Cilley said to him, "Mr. Graves has taken upon himself to demand of me to say, and that in language dictated by himself, that James Watson Webb is a gentleman and a man of honor. Now that is what I am not going to disgrace myself by saying. I see into the whole affair. Webb has come on here to challenge me because he, and perhaps others, think that, as I am from New England, I am to be bluffed, and Mr. Webb will proclaim himself a brave man, having obtained an acknowledgment on my part that he is a gentleman and a man of honor. But they have calculated without their host. Although I know that the sentiment of New England is opposed to duelling, I am sure that my people will be better pleased if I stand the test than disgrace myself by humiliating concessions. (Surely there was no need either of fighting or making concessions. Cilley might have sent to both Webb and Graves a dignified refusal to accept a challenge.) Sir, the name I bear will never permit me to cower beneath the frown of mortal man. It is an attempt to browbeat us, and because they think that (and they think that because) I am from the East I will tamely submit."

It will be observed that the affair of the duel was made a party matter. The Democrats claimed that the Whigs, the allies of the Bank, wished to remove a man whose powers they feared. The Whigs replied that Senator Williams of Maine knew that a duel was to take place and should have had the principals arrested, and they declared that Cilley's friends believed he would win and that they looked forward with triumph to what they considered a certain victory.

The view of those who were not partisans and who abhorred duelling, was expressed in a Fast Day sermon by the Rev. Mr. Maltby of Bangor. He said: "Shame! Shame! The Congress of the United States have gone into adjournment, have put on crape for thirty days; and are honoring with a public burial, a man who died in the act of murder, setting at naught the laws of God and man. And as if that were not enough, they are cherishing, as members of their body, the men who were parties in the assassination." Mr. Maltby might have mentioned when lamenting the action of Congress as a national disgrace, that the Supreme Court of the United States, while expressing respect for Cilley and sincerely deploring his untimely death, refused to attend in their official character, the funeral of one who had fallen in a duel.

None of the survivors of the affair suffered any punishment save that

of censure formally or informally expressed. The House of Representatives appointed an investigating committee which reported that "it is a breach of the highest constitutional privileges of the House, and of the most sacred rights of the people in the person of their representatives, to demand in a hostile manner an explanation of words spoken in debate," but an attempt to expel all the Representatives concerned in the affair failed.[20]

The slavery question was brought into the gubernatorial campaign, and both sides attempted to win the anti-slavery men. The Whigs accused Fairfield of being a Northern man with Southern principles. The Democrats charged Kent with attending an anti-abolitionist meeting.

The fishing bounties also played a part in the struggle for votes. The Whigs asserted that a revenue cutter was cruising along the coast, and that the officers were telling the fishermen that the Whigs wished to take away their bounty and that therefore they should vote for Fairfield for Governor. The Whigs replied that not the State, but Congress, gave the bounty, and that they would not take it away if they could.

The campaign was not free from personalities. The Whigs declared that Fairfield was a young, inexperienced loco-foco, that he had failed as a merchant, and had done poor work as reporter of the decisions of the State's Supreme Court. Kent was accused of proscribing his political opponents, of being a man of no independence of character who obeyed, now the demands of old blue-light Federalists, now those "of an irresponsible cabal of office-seekers." The *Argus* said that Kent's father was a strict Federalist, and that the son had been educated in Harvard, the high school of Federalism, where his rank was hardly up to mediocrity, that after graduation he was placed in the office of Chancellor Kent. "Of course he came out a well read lawyer and a thoroughly imbued Federalist." The *Argus* was kind enough to "damn with faint praise" by adding, "as a lawyer, Mr. Kent has been very respectable, and somewhat popular."

When election day came, a much larger vote was thrown than had ever been cast in the history of the State, and the Democrats won by a majority of about 3,000 in a total vote of 89,599. The vote was given officially as, Fairfield 46,216, Kent 42,897, 846 scattering.

The Kennebec *Journal* and the Bangor *Whig* expressed mortification at their defeat, which they attributed to corruption. Various papers outside the State, the Boston *Mercantile Journal*, the Boston *Atlas*, and the New York *Courier and Enquirer*, praised the Whigs for the good fight which they had made. The Boston *Advertiser* said that the Whig defeat had caused great disappointment throughout the country, but that such a feeling was unreasonable. The year before, the victory came as a surprise

[20] Horatio King, "History of the Duel Between Jonathan Cilley and William Graves," Coll. Maine Hist. Soc., II:III, 127-148.

[21] *Tri. Argus*, June 22, 1838.

and the Whigs expected that a greater triumph would follow, forgetting that in 1837 the Democratic candidate was unpopular.

The year 1839 was a very quiet one politically. In the election of councillors special attention would seem to have been paid to the claims of the clergy. The Bangor *Whig* prophesied that, "The present Council will certainly be a pious if not an able one, as it contains three reverend persons."

On December 4, 1839, the Whigs held their national convention at Harrisburg. Probably the majority, both of the convention and the party, desired the nomination of Henry Clay, but some of the shrewdest of the political managers believed that he was not the best man to weld together the very heterogeneous opposition to Van Buren, and by skillful manipulation the convention was induced to nominate General Harrison, the principal Whig candidate in the North in 1836. John Tyler of Virginia, a man of the strict State's Rights school, was named for Vice-President, and, as the Whigs could agree on no principle except that of opposition to Van Buren, they wisely adopted no platform. It was a triumph of what Daniel Webster afterward called the "sagacious, wise, far-seeing doctrine of *availability.*"

The nominations were well received in Maine, where that doctrine had long been preached. As far back as the summer of 1837 the *Whig* had objected to a local and premature nomination, even of Webster, saying that union and concession were needed, and that the selection of a candidate should be left to a national conveniton. A correspondent wrote that there should be a convention, where the delegates could compare notes and unite on a man. The enemy, he said, would attempt to divide them first on the question of a candidate, and second on that of the annexation of Texas and abolition, but he believed that they would fail. "Our first object is to save the country from utter ruin—to drive out the hienas (*sic*) from the capital." In the following winter the *Whig* had objected to a nomination by the Whigs of the Legislature, saying that they had not been elected as Clay men or Webster men, that the subject should be referred to a national convention.

A Whig convention of Washington county praised the work done at Harrisburg, in language of somewhat startling frankness. It declared its hearty approval of the choice of Harrison and Tyler, and resolved, "that these nominations were made by a convention composed of judicious and patriotic citizens,—they were the result of a spirit of conciliation and compromise, and an earnest desire to place before the country such names as would assure the largest amount of popular support."

The Democrats held their convention at Baltimore on May 4, 1840. President Van Buren was renominated, unanimously. A majority of the convention was in favor of also renominating Vice-President Johnson, but so bitter was the opposition to him in some quarters that it was finally

agreed to leave the selection of a candidate for Vice-President to the Democrats of the several States, trusting that before the election they would be sufficiently united to secure a choice by the Electoral College.

It was a mortifying situation, but less so than that of the Whigs. Their convention had adopted no platform, though it voted to raise money. The *Argus* pithily remarked: "In money and in machinery it had implicit confidence, but no faith in its principles."

The campaign of 1840 was the most boisterous in American history. The Whigs, generally speaking, were afraid to advocate specific measures except perhaps the repeal of the sub-treasury bill, so they resorted to spouting, demagogism, and abuse of their opponents. The Democrats played into their hands. They sneered at Harrison, and a Democratic paper in Baltimore published a letter stating that a Clay man had said, after the Whig nomination, "Give him (Harrison) a barrel of hard cider and settle a pension of $2,000 a year on him, and my word for it he will sit the remainder of his days in his log cabin, by the side of a sea-coal fire, and study moral philosophy."

The Whigs fathered the saying on the Democrats, and declared that their candidate was a man of the plain people whom his aristocratic opponents scorned for his simple way of living. A like argument in behalf of Harrison had been used in Maine before his nomination. After the sneer about hard cider and log cabins, it was repeated again and again. There were monster meetings, and parades with imitation log cabins and very real hard cider. The country districts were urged to vote for "the honest old farmer of North Bend,"[22] and Van Buren was accused of living in a magnificently furnished palace, eating out of gold spoons, and wearing English broadcloth. The Democrats replied that Harrison was no farmer, in the true sense of the word, that he did not live in a log cabin but in a fine house, and that he had been a salaried office-holder for most of his life. In order to alienate church members affidavits were published that Harrison had been guilty of gross profanity. His friends called him the Hero of Tippecanoe, and boasted of his defense of Fort Meigs and his defeat of the British and Indians at the Thames in the War of 1812. The Democrats replied that he had chosen a most exposed position for his camp at Tippecanoe, and that the Indians had surprised him there. They also accused him of making serious blunders in the War of 1812, of being responsible for the massacre at the river Raisin, and for the disaster to a force which attempted to relieve Fort Meigs, and they said that the real hero of the Thames was Vice-President Johnson, whose mounted regiment broke the enemy's line in a daring charge, and who, unlike Harrison, headed his men.

General Harrison's civil as well as his military record was bitterly

[22]The Kennebec *Journal* had said: "There may be a few silk stocking Whigs of the old Federal school, who can not bring their minds to call the honest old farmer of Ohio to the Presidency." Quoted in *Argus*, Oct. 16, 1839.

attacked. He was said to have worn the black cockade of Federalism under John Adams' administration, to have approved as territorial governor a law by which poor debtors and men guilty of trivial offenses might be sold into temporary slavery and be whipped if they ran away, and to have signed another law confining the right of suffrage to men possessed of fifty acres of land. The Democrats proudly contrasted this record with that of Van Buren in the New York Constitutional Convention of 1821, where he earnestly advocated the removal of a limitation of the right of voting to owners of land of the value of $250 at least. The Democrats also ridiculed "old granny Harrison," the candidate with a padlock on his mouth, and declared that to prevent him from saying anything indiscreet a committee had taken control of him, that they wrote his letters, and would not even allow him to get his own mail from the post office.

The Whigs denied some of the charges and attempted to explain away others. Though Van Buren, when a member of the New York convention, had opposed a freehold qualification for voters, he had in the same speech spoken very forcibly of the evils of manhood suffrage, and the Whigs now gleefully quoted his language as proof of his aristocratic sentiments. They also had much to say concerning a speech of James Buchanan in which he was alleged to have said that a wage of ten cents a day was enough for a workingman.

But the Whigs of Maine did not wholly confine themselves to personal assaults. The great speech of their campaign was delivered at Portland by Sergt. S. Prentiss, who was born and educated in Maine, but who had moved to Mississippi, where he won a national reputation as an orator. Mr Prentiss spoke for three hours, but held his audience to the end. He devoted a considerable part of his speech to a defense of a bank system, arguing that though liable to abuse, banks are very useful institutions.

Mr. Poinsett, Van Buren's Secretary of War, in one of his annual reports had submitted a plan for the organization of the militia which gave great authority to the national government. The Whigs declared that Poinsett's plan, combined with the sub-treasury law, would place both the purse and the sword in the hands of the President; and they contrasted the scheme with a proposal concerning the militia which had been drawn up by Harrison, and which left much more power to the States. The Democrats found this attack a difficult one to meet, but they attempted to prove that Poinsett's recommendations were merely his own personal views, and that the President was in no way responsible for them.

Each party accused its opponent of employing unworthy methods. A Farmington paper said that the Whig ladies were wearing little gold cider barrels on their bracelets and watchguards, and that it feared that this would result in their all becoming intemperate. The Saco *Democrat* bade its political brethren "Organize. Imitate the zeal, but not the malignity of your opponents. They keep their spirits up by pouring spirits down.

Let the Democrats gather inspiration from a good cause."[23] Another paper said that rank Federalists (Whigs) and ranker Conservatives were buttonholing Democrats from the country and telling them that they had formerly voted for Van Buren and Fairfield, but that they now felt compelled to abandon them, or that they should vote for Fairfield but that they considered Harrison a better Democrat than Van Buren.

On the other side, the Bangor *Whig* printed an extract from a circular of the Democratic Central Committee. It ran: "Are there any at present wavering? If so, please state the number and the cause which have led them to doubt, also as far as practicable name the individuals." The *Whig* stated that it had been informed by a friend in a neighboring town that from one to three office-holders had come out from Bangor to put pressure on a wavering Democrat.

The candidates for Governor were Kent and Fairfield, as in the preceding year. The vote was so close that the result was doubtful. The official returns, however, gave Kent 45,574, Fairfield 45,507, 98 scattering. As neither candidate had a majority, there was no choice by the people, and the election went to the Legislature, where it was known that the Whigs would be in control. Mr. Kent's election was therefore assured, and the Whigs throughout the country expressed the greatest joy because they had "carried" Maine. They had a very famous and very poor campaign song, "Tippecanoe and Tyler too." Two of the verses, one at least added after the September election, ran:

Now, who shall we have for our
Governor, Governor?
Who? Tell me, who?
Let's have Edward Kent, for he's a team
For Tippecanoe and Tyler, too;

Tippecanoe and Tyler, too,
And with them we'll beat little Van, Van;
Van is a used up man;
And with them we'll beat little Van!

Oh, have you heard the news from Maine?
Maine, Maine?
All honest and true,
She's all for Kent and seven thousand gain,
For Tippecanoe and Tyler, too!
Tippecanoe, etc.[24]

The Democrats in Maine were much disappointed by the defeat of Fairfield, but they made a gallant attempt to rally for the presidential election. The Democratic members of the Legislature issued an address which began: "The result of the late election has been to all a source of mortification and chagrin. Our partial defeat, however it may have been

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[23]Quoted in *Tri. Argus*, July 12, 1840.

[24]The printed versions differ slightly and tradition has given the last verse as

Oh, have you heard how old Maine went?
She went hell-bent for Governor Kent,
And Tippecanoe and Tyler, too!

brought about, should now engage our attention, only so far as it may serve to throw light upon the future and guide us in the way of duty. Crimination and recrimination can do no good. If all have not done their duty, the approaching election affords ample opportunities for amends."[25]

The circular proceeded to state that the Whigs had triumphed by means of fraud, slander, and money, probably supplied from a British source; that the Whigs favored an assumption of State debts, a splendid and extravagant system of internal improvements, a high tariff for protection, and a United States Bank.

The efforts of the Democrats, however, were unavailing, and in November Harrison carried Maine by 411 majority, and swept the country. Out of twenty-six States, only seven chose Van Buren electors. The *Argus* expressed astonishment at the result and reproached the South for deserting its friends. "The battle is over," it said, "and Hard Cider is triumphant. We have not anticipated this result, and record it now with feelings of perfect amazement. It will be looked back to hereafter, we believe, as the most remarkable event in the history of the Republic."

The South, said the *Argus,* knew that the Democrats had been of old its natural allies. "They had stood in the breach battling manfully for Southern rights, at the imminent hazard of their own popularity and expected, at least, that if their party was sacrificed, the South would not strike the fatal blow."[26]

The Augusta *Age* declared that the Whigs brought men who voted in Massachusetts to vote again in Maine, and that could they have been kept out, Maine would have given Van Buren a thousand majority. *"We repeat, Maine* is still a Democratic State! A majority of her legal voters are still unseduced and unterrified."

The election for Governor in 1840 was so close that both parties were unwilling to admit that there had been no choice. The Democrats stated that twenty-eight votes had been cast for Hannibal Hamlin for Governor, that this had been done under the impression that he was the party candidate for Governor, instead of for Congress, and that a correction of this error, with other changes that should be made, would give Fairfield a majority. The Whigs also believed that certain returns were invalid, and it is said that some wished to have the Legislature declare Kent elected by the people, but more prudent counsels prevailed. The report of a joint committee that there was no election was acquiesced in, the House sent to the Senate the names of Kent and Fairfield, and the Senate elected Kent, Governor.

Mr. Ruggles' term in the United States Senate was about to expire and the Whigs sent their strongest man to fill the vacancy, George Evans.

[25] *Tri. Argus,* Oct. 7, 1840.
[26] Quoted in *Tri. Argus,* Nov. 16, 1840.

Mr. Evans was born in Hallowell on January 12, 1797. He graduated from Bowdoin in 1815 and began the practice of law in Hallowell in 1818. He won high distinction at the bar and has been called the best criminal lawyer of his time in New England. Of this part of his career an eminent Boston lawyer said:

"So large a part of Mr. Evans' professional life was devoted necessarily to the discharge of public duties, that it was impossible for him to indulge his taste for the study of the law to the extent he would have done under circumstances more propitious. Yet he was a great lawyer, as his friend Mr. Webster was a great lawyer. He always had law enough for his case. He was endowed with a marvellous quickness of perception, and he had the power of applying his mind to the matter in hand, to the utter exclusion of all others, which perhaps more than any other faculty marks the great man or great advocate. He saw at a glance the point upon which his case was to turn, and to this point he directed all his energies. He never mistook an enemy's outpost for his citadel. In clearness of statement, in compactness of argument, and in copiousness of illustration, he had few equals. However complicated or important the cause in which he was engaged, no one who listened to him was ever heard to suggest that his effort was not equal to the occasion, or that he had failed to present a single consideration which might have rendered his success more certain. In the trial of jury causes, his tact, knowledge of men, sound judgment and practical common sense were conspicuous. He resorted to no tricks. He was careful not to prejudice his client's cause by badgering or browbeating his adversary's witnesses. He conducted throughout as if he felt he was there to secure the interests of his client, not to amuse the crowd; and bound to do his utmost to accomplish this object *consistent with honor and honesty*, and equally bound not to transcend this limit. When he addressed the jury he made his appeal to their reason, never to their passions or prejudices. He seldom indulged in rhetorical display, and when he was eloquent (in the popular sense), it was because he could not help it. Few advocates have possessed in an equal degree the power of reconciling evidence apparently conflicting, or of educing order out of chaotic complications."

Much of Mr. Evans' life was given to politics. He served in the Maine House from 1826 to 1829, both inclusive, and the last year was Speaker. The election of Representative Sprague to the Senate left a vacancy in the National House, to which Mr. Evans was elected, defeating Reuel Williams in a hard fought contest. He was re-elected six times, but before taking his seat for his seventh term he was chosen Senator. In both the House and Senate he was highly distinguished as a speaker and debater, and for his knowledge of financial affairs. Henry Clay declined the position of chairman of the committee on finance at a time when the tariff must be settled, alleging as his reason that Mr. Evans knew more about the tariff than any man in the United States. In 1846 Daniel Webster called a speech of Mr. Evans incomparable, and said that "he has devoted himself especially to studying and comprehending the revenue and the finances of the country, and he understands that subject as well as any gentleman connected with

the government since the days of Crawford and Gallatin, nay, as well as either of these gentlemen ever understood it."

While in the House he had a sharp tilt with John Quincy Adams over the conduct of Webster in regard to the failure of a fortification bill when a war with France was threatened, and won the rare distinction of holding his own and in the opinion of some of having the best of the encounter.

Mr. Evans' closing years cast a shadow on the achievements of his youth and middle age. His term in the Senate expired in 1847, and the Democrats being in control of Maine, he failed of re-election. Political jealousy and a feeling against him because of his action in securing the ratification of the Ashburton Treaty, which determined the Canadian boundary in a manner most unsatisfactory to Maine, prevented his receiving a Cabinet position under General Taylor, although he was given a minor office. He resumed his practice at the bar, and took an active part in the building of the Kennebec railroad. He cordially supported the compromise of 1850, and even the Kansas-Nebraska bill could not drive him from his old conservative position. In 1853 and 1854 he had accepted the office of Attorney-General of Maine, a conservative Whig being Governor, and he held it in 1856 as a member of the coalition administration of Governor Wells. After the Civil War and the abolition of slavery, his conduct in the fifties greatly injured his reputation. Mr. Evans died in Portland, April 6, 1867.

The Democrats left to their successors for settlement a question of constantly growing seriousness, the determination of the northeastern boundary of the United States.

Chapter X

THE

NORTH-EASTERN BOUNDARY CONTROVERSY

1783-1842

CHAPTER X

THE NORTH EASTERN BOUNDARY CONTROVERSY, 1783-1842

By John Francis Sprague,

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At the termination of the American Revolution a provisional treaty was concluded between the United States and Great Britain at Paris, November 30, 1782, and adopted and proclaimed by order of the Continental Congress, April 11, 1783. The definitive treaty between the two powers was concluded at Paris, September 3, 1783; ratified and proclaimed by Congress, January 14, 1784. This treaty contained the following articles relating to the boundaries between the two countries, to-wit:

Article I.—His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the Government, propriety and territorial rights of the same, and every part thereof.

Article II.—And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz: *From the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of Saint Croix River to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River;* thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the Isles Royal and Phelipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned,

in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence strait to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

From the first a misunderstanding regarding the correct interpretation of the second article of this treaty appears to have existed between the inhabitants of that part of Nova Scotia which is now the Province of New Brunswick, and the people in what is now the State of Maine. At the close of the War of 1812, the Treaty of Ghent (1814) recognized this contention, which was acute between the two people for more than a half century, and is known in history as the "Northeastern Boundary Controversy."

The fifth article of this treaty was as follows, to wit:

Article V.—Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and designated in the former treaty of peace between the two Powers as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut River, has yet been ascertained: and whereas that part of the boundary line between the dominions of the two Powers which extends from the source of the river St. Croix directly north to the above mentioned northwest angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean to the northwesternmost head of Connecticut River, thence down along the middle of that river to the forty-fifth degree of north latitude; thence by a line due west on said latitude until it strikes the river Iroquois or Cataraquy, has not yet been surveyed: It is agreed that for these several purposes two Commissioners shall be appointed, sworn and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall have power to ascertain and determine the points above mentioned, in conformity with the provisions of the said treaty of peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraquy, to be surveyed and marked according to the said provisions. The said Commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the lati-

tude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut River, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. *And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.*

The two governments appointed commissioners conformably with this provision, namely: George III appointed on the part of Great Britain, Thomas Barclay, September 4, 1815, and President Madison appointed Cornelius Van Ness, April 3, 1816. Mr. Van Ness was a native of New York, but at the time of his appointment resided in Vermont, and it appears that John Holmes, who was one of the commissioners to adjudicate in regard to the titles of the islands in Passamaquoddy Bay, also acted with them.

This commission, after sitting for five years, could not even agree on a plan for a general map of the country exhibiting the boundaries respectively claimed by each party; much less could they settle any of the matters referred to them. They accordingly dissolved and made separate reports to both governments, stating the points on which they differed, and the grounds of their difference.

Soon after the close of the War of 1812, settlements, not only in the northeastern parts of the District of Maine, but in Nova Scotia and Quebec as well, began to increase; business was expanding and land under both flags was becoming more valuable. All of these things tended to reawaken the interest in the question of boundary lines between the two dominions.

Maine became a State in 1820, and by the Articles of Separation the Commonwealth of Massachusetts reserved to herself one-half of the unincorporated lands within the Province of Maine.[1] Hence, not only the inhabitants of eastern Maine, but both State governments were intensely interested in having the matter decided. Finally, the statesmen of both the United States and Great Britain concluded that a condition had arisen which made it necessary to refer the points of difference to a friendly sovereign under the terms of the Treaty of Ghent; and on the 29th day of September, 1827, a convention to that effect was concluded.

In 1826, Albert Gallatin, who was one of the commissioners of the United States at Ghent in 1814, had gone to England as Minister of the United States, charged with the duty of arranging various questions of difference and among them the North Eastern Boundary. He had many conferences with the plenipotentiaries representing that government, the principal result of which was the convention to refer the matter to a friendly

[1]Act of Separation passed by Legislature of Massachusetts, June 19, 1819, Sec. 1, part first.

sovereign under the provision of the Treaty of Ghent hereinbefore referred to. The statements of the United States were prepared and submitted to the arbitrator by Mr. Gallatin, who had associated with him William Pitt Preble, of Portland.[2]

It was stipulated therein that Mitchell's map, by which the framers of the treaty of 1783 had regulated their joint and official proceedings, and a map denominated A, had been agreed upon by the contracting parties, as a delineation of the water courses and a general outline of the territory.

The King of the Netherlands was selected as arbiter, and when he heard the case of the high contracting parties, changes of magnitude had taken place in both the American and English possessions since the treaty of 1783. The District of Maine was independent of the mother Commonwealth of Massachusetts and had entered upon her career as a sovereign State of the Union. Nova Scotia had been divided and a new province erected called New Brunswick, within the borders of which was the territory about which the contention had arisen, and Quebec had been made into two provinces, then known as Upper Canada and Lower Canada.

The task imposed upon the arbiter was an onerous one, but the duties were plain and not at all obscure. He was to construe the provisions of the treaty of 1783, which related to this boundary, and make a decision, which, if ratified by the two governments, would be binding upon them. This necessitated his making findings among other things as to the following questions:

1. What was the "north-west angle of Nova Scotia?"
2. The "Source" of the St. Croix River?
3. What were the "Highlands," which "divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean?"
4. What was the "Northwesternmost head of the Connecticut River?"

Incidental with, or subordinate to these, were other questions which arose in the investigations and discussions as the case progressed before him, but I regard the foregoing as the principal or leading points in the controversy.

In order to more fully comprehend what historical facts the two parties to the dispute had to rely upon, it may be well to refer to some of the

[2]Mr. Preble was a resident of Portland, and was born in York, Maine, November 27, 1783, and died October 11, 1857. He was graduated from Harvard College in 1806, studied law with Benjamin Hasey at Topsham and Mr. Orr in Brunswick. Practiced law in Alfred and Saco before he removed to Portland in 1818. In 1814 he received the appointment of U. S. District Attorney from President Madison. In 1820 he was selected as one of the three judges composing the highest judicial court of the new State of Maine. In 1828 he resigned from the bench and entered upon diplomatic service. President Jackson appointed him Minister Plenipotentiary to The Hague, and he was serving in this capacity when the King of Holland rendered his decision. He was in various ways active in the affairs of the North Eastern Boundary question until its final settlement by the Webster-Ashburton treaty.

early grants of this territory. By charter of the 10th of September, 1621, James I granted to Sir William Alexander, a certain territory, under the name of "Nova Scotia," with the following boundaries:

Beginning at Cape Sable, in forty-three degrees north latitude, or thereabouts, extending thence westwardly along the seashore, to the road commonly called St. Mary's Bay; thence towards the north by a direct line crossing the entrance or mouth of that great ship road, which runs into the eastern tract of land between the territories of the Souriquois and of the Etchemins (Bay of Fundy), to the river commonly called St. Croix, and to the most remote spring or source, which, from the western part thereof, first mingles itself with the river aforesaid; from thence, by an imaginary direct line, which may be conceived to stretch through the land, or to run towards the north, *to the nearest road, river or spring emptying itself into the great river de Canada (River St. Lawrence);* and from thence proceeding eastwardly along the seashore of the said river de Canada, to the river, road, port, or shore, commonly known and called by the name of Gachepe or Gaspe; and thence southeastwardly to the islands called Baccaleos or Cape Breton, leaving these islands on the right and the gulf of the said river de Canada or of the great ship road and the lands of Newfoundland, with the islands to the same pertaining, on the left; and thence to the head land or promontory of Cape Breton aforesaid, lying near the latitude of forty-five degrees, or thereabout; and from the said promontory of Cape Breton, towards the south and west, to Cape Sable aforesaid, where the perambulation began, . . . all which lands aforesaid, shall at all times hereafter be called and known by the name of Nova Scotia, or New Scotland, in America.

The Grant of Charles II to his brother James, Duke of York,[3] contained these words:

All that part of the maine land of New England beginning at a certain place called or knowne by the name of St. Croix next adjoyning to New Scotland in America and from thence extending along the sea coast unto a certain place called Petuaquine or Pemaquid and so up the River thereof to the furthest head of ye same as it tendeth northwards and extending from thence to the River Kinebequi *and so upwards by the shortest course to the River Canada northward* and also all that Island or Islands commonly called by the severall name or names of Matowacke or Long Island scituate lying and being towards the west of Cape Codd and ye narrow Higansetts abutting upon the maine land between the two Rivers there called or knowne by the several names of Conecticutt and Hudsons River together also with the said river called Hudsons River and all the land from the west side of Conecticutt to ye east side of Delaware Bay.

Charles II made a subsequent grant to the Duke of York, June 29, 1764, in which was the same clause.[4]

The Massachusetts Charter of William and Mary, October 7, 1691, included in it the following: "The Province of Main the Territorie called

[3] American Charters, Constitutions and Organic Laws, Francis Newton Thorpe (Washington Government Print, 1909), Vol. 3, p. 1637.

[4] Ib., Vol. 3, p. 1641.

Accadia or Nova Scotia and all that Tract of Land lying betweene the said Territories of Nova Scotia and the said Province of Main."

It also contained the following proviso:

And soe as Neverthelesse and it is Our Royall Will and Pleasure That noe Grant or Grants of any Lands *lying or extending from the River of Sagadehock to the Gulph of St. Lawrence and Canada Rivers* and to the Main Sea Northward and Eastward to be made or past by the Governor and General Assembly of our said Province be of any force validity or Effect vntill Wee Our Heires and Successors shall have Signified Our or their Approbacon of the same.

All authorities agree that the river Kennebec was what was in the ancient maps called Sagadahock, and that "the river Canada" was the river St. Lawrence.

The American contention had ever been that these several grants demonstrated beyond cavil that Great Britain had never deviated from her claim to territory as far north as the St. Lawrence; that all of her jurisdictional acts were predicated upon this assumption and that the language of the treaty of 1783, "along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean," could have but one meaning.

Albert Gallatin in his introduction to "The Right of the United States of America to the North Eastern Boundary Claimed by Them" (1840), says:

The western boundary thereby assigned to Nova Scotia differs from the eastern boundary of the United States, as described by the treaty of peace of 1783, in the following particulars:

1st. The western source of the river St. Croix was intended by Sir William Alexander's charter; but by the treaty of 1783, the said river from its mouth to its source, without particularly designating which source, is made the boundary; and this has been decided to be the river from its mouth to the source of its north branch.

2nd. The line from the source of the River St. Croix is, according to the charter, to run towards the north (versus septentrionem); by the treaty, it must run due north, or directly north.

3rd. The said line, by the charter, extends to the river St. Lawrence, and by the treaty, to the highlands dividing the rivers, &c.

The Massachusetts Colony asserted jurisdiction over all of that part of the Province of Maine annexed to their charter by William and Mary, which was situated east of the Kennebec river, and the last claim of the French to this territory was extinguished with the destruction of the Kennebec Mission, in 1724.

Subsequent to this a question arose among the colonists as to their legal title to the territory between the Kennebec and St. Croix, which was referred to the attorney and solicitor-general of the crown, who gave it as their opinion (Aug. 11, 1731) that all the tract of land lying between the

rivers of Kennebec and St. Croix, is granted by their charter to the inhabitants of the said Province; that the rights of government granted to the said Province extend over this tract of land.

In Mitchell's map, in the year 1755, the river St. Croix, in accordance with their decision, and a due north line from its source to the river St. Lawrence, are made the boundary between Nova Scotia and New England. And Gallatin says that, "In this map the river St. Croix, and a due north line from its source to the river St. Lawrence, are accordingly made the boundary between Nova Scotia and New England; embracing, under this last designation, the eastern part of Massachusetts, by the name of Sagadahock."

Both Nova Scotia and New England are, in that map, published with the approbation of the Board of Trade, bounded to the north by the river St. Lawrence. And that river continued, accordingly, to be the northern boundary of both, till the 7th of October, 1763; when Canada, and all the possessions claimed by France in that quarter, having, by virtue of the treaty of peace of February, 1763, been definitely ceded by her to Great Britain, His Britannic Majesty issued a proclamation establishing new governments, and amongst others, that of Quebec. The boundaries of that government were, by the said proclamation, fixed as follows:

> Bounded on the Labrador Coast by the river St. John; and from thence, by a line drawn from the head of that river, through the Lake St. John, to the south end of the Lake Nipissing, from whence the said line, crossing the river St. Lawrence and the Lake Champlain, in forty-five degrees of north latitude, passes along the Highlands which divide the rivers that empty themselves into the said river St. Lawrence from those which fall into the sea, and also along the north coast of the Bay des Chaleurs and the Coast of the Gulf of St. Lawrence, to Cape Rosiers; and from thence, crossing the mouth of the river St. Lawrence, by the west end of the island of Anticosti, terminates at the aforesaid river St. John.

The Highlands designated above were thus assigned as the southern boundary of the Province of Quebec, and became the northern boundary of Nova Scotia; the northwest corner of which, instead of being, as heretofore, on the banks of the St. Lawrence, was thereby placed on the Highlands. This boundary of the Province of Quebec was again ratified by the British government by the act of Parliament of the 14th, George III, Chap. 83 (1774), commonly called the Quebec Act.

It was undoubtedly unfortunate for all parties to this imbroglio, that, in designating the northerly boundary between the territory of Massachusetts (Province of Maine) and Nova Scotia, in the treaty of 1783, the term "Highlands" should have been used. It should be observed that this word was not used in these treaties except in the sense of dividing rivers, and that in the early grants the intention of making the St. Lawrence river the northerly boundary of Maine seemed to be apparent.

This was the position taken by the American commissioners before the

King of the Netherlands, and it was furthermore contended by them that, taking the whole article together, the word "Highlands," as therein expressed, referred to an unexplored country and was applicable to any ground, whatever might be its nature or elevation, along which the line dividing the rivers should be found to pass; and that the fact that the ground dividing rivers was necessarily more elevated than those rivers and their banks, was sufficient to entitle it to the designation of "Highlands" in relation to those rivers.

The United States claimed that a line from the source of the river St. Croix "directly north" reaches a ridge or "Highland" which divides tributary streams of the St. John river, which falls into the Bay of Fundy, from the waters of the Ristigouche river, which falls through the Bay des Chaleurs, into the Gulf of St. Lawrence; that this line crosses no other rivers for a distance exceeding ninety miles, but tributary streams of the St. John and that river itself. And furthermore that it was not necessary to find any continuous range of mountains, but continuous land which divided these rivers.

To be exact, I copy the following from Gallatin's notes on the "American line" (page 17), which he compiled from the statements laid before the King of the Netherlands:

At about ninety-seven miles from the source of the River St. Croix, the due north line reaches a ridge or Highland which divides tributary streams of the River St. John, which falls into the Bay of Fundy, from the waters of the River Ristigouche, which falls through the Bay des Chaleurs, into the Gulf of St. Lawrence. And, in its further north course, the said line, after crossing several upper branches of the River Ristigouche, reaches, at the distance of about 140 miles from the source of the River St. Croix, the Highlands, which divide the waters of the said River Ristigouche from the tributary streams of the River Metis, which falls into the River St. Lawrence. It is clear that there is no other possible choice but between those two places, and that the northwest angle of Nova Scotia must, of necessity, be found at the intersection of the said due north line with, either the Highlands which divide the waters of the River St. John from those of the River Ristigouche, or the Highlands which divide the waters of the River Ristigouche from those of the River Metis; since there is no other point, through the whole course of the due north line, which divides any other waters but such as empty themselves into the same river.

The selection between those two dividing Highlands evidently depends on what is meant, according to the treaty of 1783, by rivers that empty themselves or fall into the River St. Lawrence, and by rivers which fall into the Atlantic Ocean.

The treaty recognizes but two classes of rivers. The first class embraces only the rivers falling into a river, designated by its specific name, and cannot be construed to include any rivers that do not empty themselves into the river thus specifically designated. All the rivers, met by the due north line, which do not actually empty themselves into the River St. Lawrence, according to its known limits, are, by the treaty, considered as falling into the Atlantic Ocean.

The British theory from first to last was that "Highlands" represented a mountainous or hilly country or district. They would not admit its American significance as a continuous line dividing rivers, regardless of whether such line was mountainous or not.

There may have been some reason for this, as they had been familiar with the term as applied to a region of Highlands in Scotland which distinguished it from the Lowlands, etc. Their writers from time immemorial had thus described sections which were of high elevation, and had not generally used the word in the American sense as a dividing line, a ridge or a range.

Professor Ganong, in his "Monograph of the Evolution of the Boundaries of the Province of New Brunswick" (1901), quotes from a letter from Lord Dorchester, Governor of Quebec, dated January 3, 1787, to his brother, Thomas Carleton, Governor of New Brunswick, which illustrates the British comprehension of the term, as follows:

I understand the high land which runs by the great rapids (i. e., the Grand Falls) on the River St. John, is the boundary, and separates Canada from New Brunswick and the New England Provinces.

In Mr. Gallatin's notes, heretofore referred to (page 18), he says:

It is denied on the part of Great Britain, that the boundary thus claimed by the United States, is that which is prescribed or intended by the treaty principally, if not exclusively, on two grounds:

1st. That the Bay of Fundy, as mentioned in the treaty of 1783, is (as well as the Gulf of St. Lawrence), intended to be separate and distinct from the Atlantic Ocean; and that the River St. John, which falls into the Bay of Fundy (as well as the River Ristigouche, which, through the Bay des Chaleurs, falls into the Gulf of St. Lawrence), is intended, on that as well as on separate grounds, to be excepted from that class of rivers which are described in the treaty as falling into the Atlantic Ocean.

2ndly. That the ground over which the boundary line claimed by the United States does pass, has neither the mountainous character, nor the continuous elevation necessary to entitle it to the designation of "Highlands," as intended by the treaty; and therefore, that the Highlands, claimed on the part of the United States, conform, neither in position or character, to the conditions imposed on them by the treaty.

From those premises, and with reference particularly to the assertion, that the River St. John must be excepted from that class of rivers described in the treaty as falling into the Atlantic Ocean, it is inferred, on the part of Great Britain, that consequently the Highlands described in the treaty must lie to the southward of that River. And it is further affirmed, that the Highlands, claimed on the part of Great Britain, as those designated in the treaty of 1783, conform, in every particular, to the conditions imposed on them by that treaty.

The north line would terminate at Mars Hill as the British construed the treaty, while under the American construction it would run as far north as the sources of the Ristigouche river, which empties into the Bay des Chaleurs. The St. John river was midway between the two lines, or in about the central part of the disputed territory.

Had the British claim prevailed, all of what is now Aroostook county, north of Mars Hill, and the most of what is now Piscataquis county, northerly of the Penobscot waters, would be a part of Canada; and if the Americans had finally been sustained in all that they contended for, the rich St. John river valley and a large stretch of territory northerly, easterly and northwesterly would now be a part of the State of Maine.

For the purpose of this sketch it is not necessary to consider the numerous subjects which were involved when the case was tried before the arbiter. Thirty or more maps published in London subsequent to the proclamation of 1763 were among the exhibits placed before him by the United States, eighteen of which were published before the treaty of 1783.

The English made the point that the negotiators of the treaty of 1783 had no evidence before them of the actual geography of the country, and hence the words of the treaty were not effectual, and yet these last-named eighteen maps all made plain the situation of the basin of the St. John, the sources of the Penobscot, which were rivers and streams falling into the Atlantic, and those of the tributary streams of the St. Lawrence. The negotiators of that treaty had access to these maps and made use of them, consequently the Americans contended that the highland or ridge of land which divided these tributary streams was the "Highlands" described in the treaty, and that it constituted a well-defined boundary line which could be found upon the face of the earth, and there was no reason whatever for assuming that when those words were mutually written into the treaty their significance and meaning were not fully understood.

It would seem that the gist of the entire issue before the King of the Netherlands was, what were the intentions of the negotiators of the treaty of 1783, and it is difficult to perceive just how any acts of jurisdiction subsequently exercised by either party over the contested territory could have thrown any light on these intentions or affected in any manner the terms of the treaty. And yet both sides were allowed to and did present evidence of this nature, some of which is interesting, even though its materiality at that time may be doubted.

It appeared that in the year 1784 a native Indian was tried and convicted by a court of the Province of Quebec, and accordingly executed for a murder committed, as was suggested, on the waters of the river St. John; that between the years 1789 and 1791 two suits were instituted and judgment obtained before the courts of Quebec by some inhabitants of Canada against persons residing on the river Madawaska; that an extract from a list of the parishes in the Province of Quebec, taken from the minutes of the Executive Council for 1791, includes that of Madawaska,[5] and that, in the

[5]A part of the disputed territory was, during the entire controversy over the North Eastern Boundary, known as Madawaska. Upon a part of this is now situated the town of Madawaska, in the State of Maine. This territory was anciently called the Fief of Madawaska; the original concession of it having been made by the Government of Canada to the children of the Sieur Charles Auburt de la Chenaye, November 25, 1683. This concession contained the following condition:

year 1785, that council issued an order for opening a road from Kamarouska on the river St. Lawrence to Lake Temisquata, which lies on the southeastern side of the dividing Highlands, claimed as their boundary by the United States.

Seldom has an international question been so thoroughly discussed as was that of this disputed boundary.[6] Gallatin asserted that he devoted nearly two years in studying and preparing the case, and bestowed on it more time than he ever did on any other question.[7]

Finally, on the 10th day of January, 1831, the decision of the King of the Netherlands was made public, and it was a surprise to both governments and to all parties of interest. When his award was analyzed, it was found that he had sustained in words the American contention that the term "Highlands" was applicable to ground which, without being mountainous or hilly, divided rivers flowing in the opposite directions; but that it was not shown that the boundaries described in the treaty of 1783 coincided with the ancient limits of the British provinces; and that neither the line of Highlands claimed by Great Britain so nearly answered the requirements of the treaty of 1783 in respect to division of rivers as to give preference one over the other. Abandoning therefore the attempt to determine this part of the boundary according to the treaty of 1783, he recommended what was termed a line of "convenience"[8] or, in other words, he made an arbitrary

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"Subject to the Foi et hommage, which the grantees, their heirs and assigns, shall be holden to render at the Castle of St. Louis of Quebec of which they are to hold, and subject to the customary rights and dues in conformity with the Contume de Paris."

By an adjudication of the Prevotal Court of Quebec, dated October 29th, 1709, this Seigniory of Madawaska was seized by virtue of a sentence of that court and was sold to Joseph Blondeau dit la Franchise as the highest bidder, at a public sale, for the sum of 1,300 livres, and was accordingly adjudged to the said Joseph Blondeau.

On the 15th day of February, 1723, it appears, by some kind of a judicial proceeding or report, that "on the Fief of Madawaska there was a domain, on which the buildings had been burnt by the Indians, and that there were six 'arpens' of land cleared, but at that time no settlement."

By an adjudication by the Prevotal Court of Quebec, dated July 29th, 1755, founded on what was called a "voluntary judicial sale," Madawaska passed to Pierre Claverie. After Canada became a part of the dominion of Great Britain by conquest, the title to this territory passed by judicial sale to Richard Murray, and on August 2, 1768, by deed of assignment by Richard Murray to Malcolm Fraser.

The latest deed of Madawaska under these titles that we have evidence of was dated August 2, 1802, but between this and the last named date there had been several transfers by judicial sale and otherwise.

This chain of titles was introduced before the King of the Netherlands, by the British commissioners, to show continuous possession and ownership by Great Britain to Madawaska. The reply of the United States to this contention was, that since the conquest no one had performed acts of fealty and homage under the conditions of the original concession of 1683, and hence the title had been forfeited and abandoned by reason of the failure to comply with these feudal services.—(Appendix to the first British Statement before the King of the Netherlands.)

[6] "History and Digest of International Arbitrations," Vol. I, p. 91.

[7] Adams' "Writings of Gallatin," Vol. II, p. 549.

[8] "History and Digest of International Arbitrations," Vol. I, p. 136.

line, not found in Mitchell's map (Map A), or in any of the maps used by the negotiators of the treaty of 1783, of the Treaty of Ghent, or by either party before him. It was evidently intended by him as a compromise, pure and simple.

On the 12th day of January, 1831, Mr. Preble, who was then Envoy-Extraordinary of the United States at The Hague, addressed to the British Minister of Foreign Affairs, a note, respectfully protesting against the award, and reserving the rights and interests of the United States on the ground that the proceedings of the arbitrator constituted a departure from his powers. Mr. Preble also took the ground that the object of the arbitration was to have executed the terms of the treaty of 1783, and that, if this could not be done, the question of boundaries ought never again to be submitted to any sovereign. And he thus formally entered his protest against the proceedings.

The British government, while apparently not satisfied with the award, expressed its acquiescence in it, but authorized its Minister, privately, to intimate to the United States that it would not consider the formal acceptance of the award as precluding modifications of the line by mutual exchange and consideration. The government at Washington for a time hesitated as to what course to pursue. Mr. Preble's protest had been entered without instructions from his government, and President Jackson was at first inclined to accept the award.

As the action of the King of the Netherlands became more fully understood by the people of Maine and Massachusetts, its discussion by newspapers and public men became bitter and its criticism more and more intense; and the President's political enemies in both States were severely blaming him for his procrastination in the matter. At one time he was disposed to issue a proclamation, accepting of the terms of the award without consulting the Senate, but was driven from this course by his political friends in Maine, who represented to him that such a course would change the politics of the State.[9] It is said that he regretted in after years that he did not follow out his own inclinations in regard to the subject.[10]

President Jackson therefore submitted the question of acceptance or rejection to the Senate on the 7th day of December, 1831, and in June, 1832, the award was rejected by a vote of 35 to 8, and the Senate at the same time advised the President to open a new negotiation with Great Britain for the ascertainment of the line. The British government promised to enter upon the negotiations in a friendly spirit; and it was stipulated and agreed that both sides should refrain from exercising any jurisdiction beyond the boundaries which they actually possessed.

Meanwhile the government of the United States made earnest though unsuccessful attempts to obtain from the State of Maine full authority to

[9]Webster's Works, Vol. I, p. 119.
[10]Webster's Works, Vol. I, p. 119.

adjust the matter with Great Britain. The proposition was for Maine to provisionally surrender to the Federal Government all of her right to the disputed territory for the purpose of a settlement. These offers were, however, all rejected by the State of Maine and then the British government formally withdrew its offer to accept the compromise recommended by the King of the Netherlands. No real progress was made and nothing accomplished towards a settlement of the controversy during the remainder of President Jackson's administration.

President Van Buren sent a message to the Senate, March 20, 1838, with recent correspondence about the subject between the Secretary of State, Mr. Forsyth, and the British Minister, Mr. Fox. Mr. Forsyth recommended a new conventional line, or another submission to arbitration, and the President in his message expressed the hope that "an early and satisfactory adjustment of it could be effected." Governor Kent submitted the question to the Legislature of Maine, which body, on the 23rd day of March, 1838, resolved that it was not expedient to assent to the Federal government's treating for a conventional line, but that the State should insist on the line established by the treaty of 1783, and that the Senators and Representatives in Congress be requested to urge the passage of a bill then pending for a survey of the boundary.

In 1839, Messrs. Featherstonhaugh and Mudge, employed by the English authorities, surveyed a part of the line and the government of Washington provided for a survey in 1840. Nothing of importance resulted from either of these surveys.

For a decade of years subsequent to the award of the King of the Netherlands it was a theme of vast interest to the people of Maine and of Massachusetts as well. The General Court of that Commonwealth made various reports regarding it at different times. The Governors of Maine discussed it in their messages, and the Legislature made several exhaustive reports upon it.

Indissolubly interwoven with this controversy is the arrest, imprisonment and punishment of one John Baker, a resident of what was known as the Madawaska Settlement. The rights of the Commonwealth of Massachusetts to Madawaska and adjacent lands on the Aroostook river were recognized at an early period after the source of the St. Croix was settled by the convention of 1794. Grants were accordingly made by the Legislature of Massachusetts of lots of land embracing both branches of the Aroostook river[11] and bordering on the boundary line, namely: One to the town of Plymouth, and one to General Eaton. Locations and surveys of these lands were made under authority of Massachusetts.

Among other grants was that of a lot of land to John Baker "of a plantation called and known by the name of Madawaska Settlement, in the County of Penobscot, and State of Maine," the deed of which was executed

[11]This river was originally known as "Restook" and "Ristook."

jointly by "George W. Coffin, agent for the Commonwealth of Massachusetts, and James Irish, agent for the State of Maine," on the third day of October, 1825. Another deed of land situated below Baker's was made to James Bacon. Baker had a farm and a small store, and also a grist and sawmill. Other settlers soon became his neighbors and his place was a center and headquarters for the American settlers in that locality.

One George Morehouse resided in Tobique, in a parish then recently formed and known as Kent. He had a magistrate's commission from the Province of New Brunswick, and the first of the Madawaska troubles seems to have arisen from a process which he had instituted as magistrate, although there is no evidence that he was in the first instance in any way authorized or instructed by the Province authorities to pursue it. This was no less a procedure than issuing precepts directed to the constables of the Parish of Kent, for the recovery of small demands against the inhabitants along the Aroostook river. Criminal processes against these inhabitants were also occasionally issued by Magistrate Morehouse. The serving of these precepts was often resisted by them and sometimes by force.

That Baker was a leader among these settlers is true, and that he may have advised them to thus resist the officers whom he believed had no authority or jurisdiction there, is also undoubtedly a fact. Thus the strife between Morehouse and his followers on the one hand, and the American settlers, led by Baker, on the other hand, continually increased until it seemed to have culminated some time in the early fall of 1827 by an incident which now seems more amusing than tragic. The Americans had erected a staff, or what might have been known as a "liberty pole," although it does not appear that they had any flag, and upon the top of it had attached a rude representation of the American Eagle. The Americans had occasional gatherings and festivities around this national emblem, which, it may be imagined, were more or less convivial, and they sometimes jeered and perhaps annoyed passersby from the province, who acknowledged allegiance to the Sovereign of England. When Morehouse learned of this he became enraged and called upon Baker and ordered him to remove it. This Baker refused to do, whereupon Morehouse procured a subpoena for his arrest from Thomas Wetmore, Esq., Attorney-General of New Brunswick, dated September 17, 1827. Early in the morning of September 25th, while Baker and his family were asleep, his house was surrounded by an armed force and he was arrested and taken before Magistrate Morehouse,[12] who committed him to the jail in Fredericton without even examination or trial, if the accounts of the transaction published at the time are to be believed.

But while Morehouse may or may not have been incited by the New Brunswick authorities to do these unlawful acts, they were themselves

[12]Report of Charles S. Davies to the Governor of Maine, January 31, 1831, p. 29. There may be some doubt, however, about this statement, as the subpoena commanded him to appear before the court in Fredericton.

responsible for some things equally as illegal, among which was that of assessing and levying a special and wholly illegal tax upon these settlers which was known as the "Alien tax."[13]

Baker was prosecuted at various times, and one of the alleged grounds for action against him and for several other similar proceedings against Americans in Madawaska and along the Aroostook river, was that they were trespassers on crown lands. Lumber that had been sawed at Baker's mill was seized and confiscated while being transported down the St. John.

Magistrate Morehouse seems to have spent considerable time in harrassing the settlers on the Aroostook in devious ways. Early in the spring of 1827 he assumed to have authority to prevent them from working on the lands which they occupied, and forbade their doing so, and also posted up written notices to this effect on the Eaton Grant, and in different places; and marked some small piles of timber which they had cut, for seizure.[14] He did not even treat them as English subjects, but apparently regarded them as outlaws and intruders without a country, and without rights which anyone was bound to respect.

In July, 1827, Daniel Craig, a deputy sheriff of the Parish of Kent, who was sent by Morehouse, delivered summonses to all of the inhabitants to appear before the court in Fredericton in pleas of trespass and intrusion on crown lands.[15] This sudden and unexpected proceeding naturally created a state of consternation and alarm. The precepts were served only a few days before the court was to convene. Some went to Fredericton only to learn that the cases were delayed until the next winter. Some went part way and then returned home, while many did not heed the summonses at all. It was said that those who did go, suffered much hardship, as they were far from home, without means of sustenance. One man, James Armstrong, was seized in the house of his brother, Ferdinand Armstrong, placed in a canoe and forcibly deported beyond the territory.[16]

Their market was at Houlton, and their only means of transportation was down the St. John river, but as their produce was often seized while en route, and as they were subject to so much oppression from the provincial officers, in the fall and winter of 1827-28 they determined to cut out a woods road to Houlton which should be wholly on undisputed American soil. The first attempt at this was a failure, as the explorers who were employed to "spot" out the road lost their way and after much suffering and privation, found themselves in Foxcroft.[17]

It is evident that these American settlers desired to live quiet and peaceful lives, for the means which they resorted to to circumvent provin-

[13]Gov. Lincoln's letter to the Secretary of State of the United States, September 3, 1827.
[14]Davies' Report, p. 10.
[15]Davies' Report, p. 11.
[16]Ib., p. 12.
[17]Ib., p. 12.

cial authority fully demonstrate this. When they had endured the methods and practices of Morehouse and others as long as they felt it was possible, instead of organizing an armed revolt, which might have been natural under the circumstances, they conceived the idea of a general agreement to avoid all resort to courts or legal proceedings whatever. The plan was simple and yet unique, and perhaps in a degree communistic. A paper was accordingly drawn up and signed by the American inhabitants generally, constituting a sort of compact, by which they mutually agreed to adjust all disputes of whatever nature which might arise among themselves, by virtue of referees, without admission of British authority, and they would support each other in abiding by this determination. This was to be a provisional agreement, to continue in force only for one year; and, in the meantime, application was to be made to the government, in order to obtain, if possible, the benefit of some regular authority.[18] Thus these isolated and primitive people in that desolate and remote region, buffeted by the persecutions of one government, and forsaken and abandoned to their own resources by another, more than half a century after the treaty of 1783, proposed to free themselves from the tyranny of all magistrates, courts, lawyers and officers.

This paper or written agreement among the inhabitants of Madawaska, was, as will hereafter appear, one of the grounds for the indictment against Baker and others for alleged conspiracy and sedition. The redoubtable Morehouse, as might have been anticipated, appeared upon the scene as soon as he learned of the existence of this written agreement and demanded it of them, but it was in their estimation too sacred a document to part with, and they refused to deliver it up, as did the people of Connecticut in 1687 refuse to surrender their ancient charter to James II.

At the Hilary term[19] of the Supreme Court in 1828, the grand jury for the County of York, in the Province of New Brunswick, found a true bill of indictment against John Baker, James Bacon and Charles Studson, for conspiracy. The defendants, Bacon and Studson, were never taken into custody, but John Baker was arrested and arraigned Thursday, May 2, 1828, before the Honorable Chief Justice Saunders, Mr. Justice Bliss and Mr. Justice Chipman. The indictment alleged that the defendants,

> Being persons greatly disaffected to our said lord the now King, and his Government, within this his Majesty's Province of New Brunswick, and being factiously and seditiously disposed, on the fourth day of July, in the eighth year of the reign of our said Sovereign Lord George the Fourth, with force of arms, at the parish aforesaid, in the county aforesaid, did amongst themselves, conspire, combine, confederate, and agree together,

[18] Davies' Report, p. 23.

[19] In English law, a term of court beginning on the 11th and ending on the 31st of January in each year.

Superseded (1875) by Hilary sittings, which begin January 11th, and end on the Wednesday before Easter.

falsely, maliciously, factiously and seditiously and to bring hatred and contempt on our said lord the King, etc., etc.

The first overt act complained of in this indictment was that on the said fourth day of July, at the place above named, the defendants

In pursuance of, and according to said conspiracy, . . . did cause to be raised and erected, a certain flag-staff, and did place thereon a certain flag, as the Standard of the United States of America.

The second overt act relates to the provisional paper which the inhabitants had signed as above referred to, and alleged that the defendants

Had applied to divers liege subjects of our said lord, the King, and then and there presented to the same subjects a paper writing, which they, the said John Baker, James Bacon and Charles Studson, then and there requested the said subjects to sign, then and there declaring that, by the said paper, they the said subjects, would bind themselves to oppose the execution of the laws of Great Britain, to wit, in the Madawaska settlement, so called.

The third overt act states that the defendants "did oppose and obstruct the post man" in carrying the mail through Madawaska settlement, etc.

The attorney general appeared and prosecuted the case for the crown, while the defendant Baker appeared without counsel and defended himself during the trial. He was found guilty, and sentenced to two months' imprisonment, and to pay a fine of £25 to the King. The United States immediately demanded his release, on the ground that New Brunswick was assuming jurisdiction in American territory; the release was refused, and Baker was tried and convicted at Fredericton and served out his sentence.[20]

Prior to the arrest of Baker, he and James Bacon had been selected by the inhabitants as "a deputation" to proceed to the seat of government of Maine with a request to have their case laid before the Legislature at its next session; and to enquire of the executive authority whether they were recognized as citizens of the State of Maine and entitled to its protection. These two men attended to this duty by traveling on foot and by canoe much of the way; they then "returned through the wilderness by the way they came." One of the results of their mission was the following proclamation by the Governor of Maine:

Whereas, It has been made known to this State, that one of the citizens has been conveyed from it, by a Foreign Power, to a gaol in the Province of New Brunswick; and that many trespasses have been committed by inhabitants of the same Province upon the sovereignty of Maine and rights of those she is bound to protect.

Be it also known, that, relying on the government and people of the Union, the proper exertion will be applied to obtain reparation and security.

Those, therefore, suffering wrong, or threatened with it, and those

[20]Prof. Ganong's Monograph on "The Boundaries of New Brunswick (1901), p. 335.

interested by sympathy, on account of the violation of our territory and immunities, are exhorted to forbearance and peace, so that the preparations for preventing the removal of our land marks, and guarding the sacred and inestimable rights of American citizens may not be embarrassed by any unauthorized acts.

ENOCH LINCOLN.

Portland, November 9, 1827.

The Legislature of 1828 also passed this resolve:

Whereas, The sovereignty of this State has been repeatedly violated by the acts of the agents and officers of the Government of the British Province of New Brunswick, and that government, by its agents and officers, has wantonly and injuriously harrassed the citizens of this State, residing on the North Eastern frontier of the same, and within its limits, by assuming to exercise jurisdiction over them, in issuing and executing civil and criminal process against them, by which their property has been seized, and some of them arrested and conveyed out of the State, and subjected to the operation of the laws of that Province; and in establishing military companies within the territory of this State; imposing fines for neglect of military duty; imposing upon our said citizens an alien tax, and requiring payment of the same; and Whereas, by the exercise of the aforesaid unwarranted acts of jurisdiction by the government of the said Province, some of our citizens have been deprived of their liberty, their property destroyed, many of them driven from their lands and dwellings, the tranquility and peace of all of them disturbed, and the settlement and population of that part of the State adjoining said Province, greatly retarded, if not wholly prevented; therefore,

Resolved, That the present is a crisis, in which the government and people of this State, have good cause to look to the government of the United States for defence and protection against foreign aggression.

Resolved Further, That if new aggressions shall be made by the government of the Province of New Brunswick upon the territory of this State, and upon its citizens, and seasonable protection shall not be given by the United States, the Governor be, and he hereby is requested to use all proper and constitutional means in his power, to protect and defend the citizens aforesaid in the enjoyment of their rights.

Resolved Further, That, in the opinion of this Legislature, the Executive of the United States ought, without delay, to demand of the British Government the immediate restoration of John Baker, a citizen of this State, who has been seized by the officers of the Province of New Brunswick, within the territory of the State of Maine, and by them conveyed to Fredericton, in said Province, where he is now confined in prison; and to take such measures as will effect his early release.

Resolved Further, That the Governor be, and he hereby is, authorized and requested, with the advice and consent of Council, from time to time, to extend to the family of the said John Baker, such relief as shall be deemed necessary; and he is hereby authorized to draw his warrant on the Treasury for such sum or sums as shall be required for that purpose.

In 1831 the attempt of certain persons to hold an election at Madawaska Settlement under the laws of Maine, led to their arrest and trial by the authorities of New Brunswick. They were convicted and sentenced to

fine and imprisonment, but were afterwards released on the request of the United States government, their action having been disavowed by the authorities of Maine.

In June, 1837, Ebenezer Greeley, of Dover, Maine, was employed by the State of Maine as an agent to take the census of the people of Madawaska, and at the same time, to distribute their share of the surplus money which had accumulated in the United States Treasury.[21] A provincial constable arrested Mr. Greeley and carried him as a prisoner to Fredericton, N. B. But while the Fredericton officials had for some time unhesitatingly imprisoned humble and uninfluential citizens of Maine when brought to them in custody, they were alarmed at this bold procedure. The sheriff there feared to detain in gaol an agent or officer of the State of Maine while in the discharge of his duties, and refused to receive the prisoner. After being liberated, Mr. Greeley returned to the Aroostook and resumed his labors as census taker.

In a short time after this, however, Governor Harvey, of New Brunswick, hearing that Mr. Greeley was distributing money to the people,[22] assumed, without making any attempt to obtain evidence of the facts, that it was done as a bribe to induce the inhabitants to continue their allegiance to the United States. He therefore ordered Mr. Greeley to be rearrested, and he was lodged in Fredericton jail.[23] Governor Dunlap of Maine issued a general order announcing that the soil of the State had been invaded by a foreign power and the militia was called upon to hold itself in readiness for momentary and active service. A few weeks later, the British authorities, influenced by a message from President Van Buren, again liberated Mr. Greeley, who once more returned to the turbulent Aroostook and remained there until he had completed his services.[24]

That the people of the new State of Maine were actuated by a spirit of patriotism in vigorously opposing the encroachment of the officials of the Province of New Brunswick, upon what they believed to be their territory; that the feeling, when the District of Maine was separated from the Commonwealth of Massachusetts, in 1820, and admitted into the Union of States, was intense and increased year by year, as they saw what they deemed to be their unquestioned rights, trampled upon by the province, supported and protected by Great Britain, was bitter and uncompromising, is true.

William King, the first Governor of Maine, in his message to the Legislature, June 2, 1820, refers to the importance of the North Eastern Boundary question, to both Maine and Massachusetts. Governor Parris, in

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[21]Abbot's "History of Maine," p. 431.

[22]This was the famous "distribution of the surplus" under President Jackson, which was one of the most notable events of his administration.

[23]Abbot's "History of Maine," p. 431.

[24]Mr. Greeley was released "without trial or explanation and returned to his home." (Message of Governor Kent, 1839.)

1822, expressed "great anxiety," because of the disagreement of the commissioners under the Treaty of Ghent, "in relation to the true boundary between the United States and the British Provinces," and he again referred to it in his message in 1824. In 1825 he also called attention to it, and to the fact "that depredations, to a very considerable extent, have been committed on our timber lands, lying on the Aroostook and Mawascah and other streams," and that "these depredations were committed by British Subjects"; and in 1826 a considerable part of his annual message was devoted to this subject.

On January 17, 1826, the Joint Standing Committee on State Lands made a report to the Legislature relative to the boundary question, accompanied by the following resolve, which received a passage:

Resolved, That the Governor, for the time being, be authorized and requested to take such measures as he may think expedient and effectual, to procure for the use of the State, copies of all such maps, documents, publications, papers and surveys, relating to the North Eastern Boundary of the United States, described in the treaty of 1783, and such other information on that subject as he may deem necessary and useful for this State to be possessed of; and that the sum of five hundred dollars be appropriated to carry into effect the provisions of this Resolve; and that the Governor be authorized to draw his warrants on the treasury for the same, as occasion, from time to time, may require, he to be accountable for the same.

Resolved, That the Governor of this State, in conjunction with the Governor of the Commonwealth of Massachusetts (provided said Commonwealth shall concur in the measure), be authorized to cause the Eastern and Northern lines of the State of Maine to be explored, and the monuments, upon those lines, mentioned in the treaty of 1783, to be ascertained in such manner as may be deemed most expedient.

In 1829, Governor Lincoln said in his message:

. . . That the decision of the dispute, as to our North Eastern Boundary, is referred to the King of the Netherlands, and while I submit that no reference in such a case was warrantable, yet there seems to be no objection to the personage selected, for how can he, the subject of impartial history, and not apparently dependent on any advantage from either party, being an umpire between nations, act as the magnanimous dispenser of justice, who has the power to achieve the most glorious victory by the suppression of the most extreme error?

When the Legislature of Maine convened in 1831, the King of the Netherlands had rendered his decision. An official communication from President Van Buren to Governor Smith, together with a translation of the full text of the award, was transmitted to the Legislature, with a special message by the Governor, who had also devoted a considerable portion of his annual message to the matter. A joint select committee was appointed by the Legislature to consider the whole subject, who submitted an elaborate and exhaustive report, full of indignation at the findings of the arbitrator. signed by its chairman, John G. Deane. It not only attacked the impar-

tiality of the arbitrator, but strongly intimated that he was not in fact, a sovereign, within the true meaning of the convention, which clothed him with the power and authority to act. These resolutions closed as follows:

Whereas, By the convention of September, 1827, an independent sovereign was to be selected by the governments of the United States and Great Britain, to arbitrate and settle such disputes as had arisen, and the King of the Netherlands was pursuant to that convention selected the arbiter, while an independent sovereign, in the plentitude of his power, exercising dominion and authority over more than 6,000,000 of subjects;

And Whereas, By the force of the prevalence of liberal opinions in Belgium, the Belgians overthrew his power and deprived him of more than half of his dominions and reduced him to the former dominions of the Stadtholder, leaving him with the empty title of the King of the Netherlands while he is only King of Holland, and thereby increasing his dependence upon Great Britain for holding his power even in Holland, which from Public appearances he held from a very doubtful tenure in the affections of the Dutch.

And Whereas, The King of the Netherlands had not decided before his Kingdom was dismembered and he consented to the division, and his public character had changed, so that he had ceased to be that public character, and occupying that independent station among the sovereigns of Europe contemplated by the convention of September, 1827, and which led to his selection.

Therefore, Resolved, In the opinion of this Legislature, That the decision of the King of the Netherlands, cannot and ought not to be considered obligatory upon the government of the United States, either on the principles of right and justice, or of honor.

Resolved, Further, for the reasons before stated, That no decision made by any umpire under any circumstances, if the decision dismembers a state, has or can have, any constitutional force or obligation upon the State thus dismembered unless the State adopt and sanction the decision.

At the session of the Legislature of 1831, an act was passed to incorporate the town of Madawaska, including territory southward of the river St. John, and the disputed territory northward[25] of that river. In 1832, Governor Smith, in his annual message, said:

In the month of October last, information was received that a number of the inhabitants of Madawaska had organized themselves into a corporation, chosen municipal officers, and subsequently a representative; and that in consequence of these acts, the lieutenant-governor and other authorities of New Brunswick, accompanied with a military force, had proceeded to Madawaska, and arrested a number of American citizens, who were carried to Fredericton, and there imprisoned.

Though the measures adopted by the inhabitants, voluntarily organizing themselves into a corporation at that place, then claimed to be under the actual jurisdiction of the Province of New Brunswick, were unexpected by me, and undertaken without my knowledge; yet, as they acted in territory known to be within the limits of Maine, and in obedience to the laws and constitution, I considered that they were entitled to the aid and protection of their government.

[25] Now Upper Madawaska, in the Province of New Brunswick.

Immediately, therefore, on receiving evidence of these transactions, they were communicated, together with all the circumstances in relation to them within my knowledge, to the Department of State of the United States, with a request that the proper measures might be adopted by the General Government to procure the release of our citizens, and to protect the territory of our State from invasion. Upon the receipt of this communication, though the proceedings of the inhabitants of Madawaska were considered to be a breach of the arrangements made with the British Minister, for preserving the state of things as it then existed on both sides, till a final disposition of the question, those measures were promptly adopted by the President, which resulted in the release of our citizens from imprisonment, and rendered further proceedings on the part of this State, in reference to that object, unnecessary.

A special committee was appointed, to which was referred that part of Governor Smith's message that related to the North Eastern Boundary. Among its members appear the names of Reuel Williams and Nathan Clifford. They submitted the following resolve:

Resolved, That the Constitution of the United States does not invest the General Government with unlimited and absolute powers, but confers only a special and modified sovereignty, without authority to cede to a foreign power any portion of territory belonging to a State, without its consent.

Resolved, That if there is any attribute of State Sovereignty which is unqualified and undeniable, it is the right of jurisdiction to the utmost limits of State Territory; and if a single obligation under the Constitution rests upon the Confederacy, it is to guarantee the integrity of this territory to the quiet and undisturbed enjoyment of the States.

Resolved, That the doings of the King of Holland, on the subject of the boundary between the United States and Great Britain, are not a decision of the question submitted to the King of the Netherlands; and that his recommendation of a suitable or convenient line of boundary is not obligatory upon the parties to the submission.

Resolved, That this State protests against the adoption, by the Government of the United States, of the line of boundary recommended by the King of Holland as a suitable boundary between Great Britain and the United States; inasmuch as it will be a violation of the rights of Maine—rights acknowledged and insisted upon by the integrity, as well as the independence, of every State in the Union.

Resolved, That while the people of this State are disposed to yield a ready obedience to the Constitution and laws of the United States, they will never consent to surrender any portion of their territory, on the recommendation of a foreign power.

Resolved, That the Governor, with advice of Council, be authorized to appoint a competent agent, whose duty it shall be, as soon as may be, to repair to the City of Washington, and deliver to the President of the United States a copy of the preceding Report and these Resolutions, with a request that he will lay the same before the Senate of the United States; and also deliver a copy to the Vice-President, to each of the Heads of Departments, and to each member of the Senate, and to our Representative in Congress.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to prevent our State from

being dismembered, our territory alienated, and our just rights prostrated, by the adoption of a new line for our North Eastern Boundary, as recommended by the King of Holland.

Resolved, That the agent to be appointed by the Governor and Council, be instructed to co-operate with our Senators and Representatives, in advocating and enforcing the principles advanced, and positions taken, in the foregoing Resolutions, and in supporting all such measures as shall be deemed best calculated to preserve the integrity of our State, and prevent any portion of our territory and citizens from being transferred to a Foreign Power.

Governor Dunlap, in 1834, notes that this question is still unsettled, but considers that the way "is now open for the ultimate attainment of our rights," inasmuch that the President of the United States had announced as the policy of the National Administration, in negotiations with foreign powers, to "submit to nothing that is wrong." In the years 1834, 1835 and 1836 the Governor's messages refer to it only as "yet being in an unsettled state," but in 1837, Governor Dunlap regrets that he has "received no information to warrant the opinion that a speedy adjustment is expected," and asserts that "our soil and our sovereignty have been invaded." A joint committee at this session of the Legislature was appointed to investigate and report. John Holmes was its chairman on the part of the House. Their report of ten pages was one of the most searching that had been made, and they submitted the following resolutions:

Resolved, That we view with much solicitude the British usurpations and encroachments on the northeastern part of the territory of this State.

Resolved, That pretensions so groundless and extravagant indicate a spirit of hostility which we had no reason to expect from a nation with whom we are at peace.

Resolved, That vigilance, resolution, firmness and union on the part of this State are necessary in this state of the controversy.

Resolved, That the Governor be authorized and requested to call on the President of the United States to cause the North Eastern Boundary of this State to be explored and surveyed and monuments erected according to the Treaty of 1783.

Resolved, That the co-operation of Massachusetts be requested.

Resolved, That our Senators in Congress be instructed, and our Representatives requested to endeavor to obtain a speedy adjustment of the controversy.

Resolved, That copies of this report and resolutions be transmitted to the Governor of Massachusetts, the President of the United States, to each of our Senators and Representatives in Congress and other Senators in Congress, and the Governors of the several States.

When the Legislature of 1838 had assembled, the people of Maine had become exasperated, for since the adjournment of the last Legislature, the depredations and trespasses upon territory that was in dispute, also upon portions of territory of which the title of Maine was practically undisputed, had increased to an alarming degree. The province people, evidently

fully supported by their officials and the government of Great Britain, had never before been so arrogant, defiant and insolent in extending by force and unlawful means, their illegal jurisdictional rights, as during the years then drawing to a close. The conditions were acute and the situation serious.

The Whigs had gained the ascendency in Maine and had elected Edward Kent, Governor. Governor Kent was an able lawyer and a profound jurist, and was for many years after, one of the ablest members of the Supreme Court of this State. He had informed himself fully of the complex conditions and had given the whole matter careful consideration and devoted much of his message to this subject; among other things he said:

The first duty of Maine, as it seems to me, is to claim the immediate action of the general government, to move efficiently and decidedly, to bring the controversy to a conclusion. We have had years of negotiation, and we are told that we are apparently no nearer to a termination than at the commencement. Maine has waited with most exemplary patience, until even her large stock is almost exhausted.

She has no disposition to embarrass the action of the general government, but she asks that some action be had—some movement made with a determined purpose to end the controversy.

She cannot quietly submit to have her territory wrested from her, her citizens imprisoned, her territorial jurisdiction annihilated, and her rights lost by the bold and persevering and unopposed claims of a foreign power. She cannot consent to be left alone in the controversy, or to be left in doubt as to the aid or countenance she may receive from the authorities of the Union in maintaining her acknowledged rights. She asks the quiet and undisturbed possession of her territory, according to the treaty, and that foreign and intrusive possession be put an end to; and by this claim she will abide. She will do nothing rashly, and indulge in no spirit of nullification; and it will not be until all hope of settling the vexed question by negotiation, and all requests for other aid are denied or neglected, that she will throw herself entirely upon her own resources, and maintain, unaided and alone, her just rights, in the determined spirit of injured freemen. But those rights must be vindicated and maintained; and if all appeals for aid and protection are in vain, and her constitutional rights are disregarded, forbearance must cease to be a virtue—and, in the language of the lamented Lincoln,[26] Maine may be "compelled to deliberate on an alternative which will test the strictness of her principles and the firmness of her temper." The recent movement in Congress by one of our Representatives—sustained, as we confidently trust, by his colleagues, give some encouragement to hope that the day for decisive action is at hand.

From the time when the King of the Netherlands, in 1831, rendered his decision until the whole matter came to a crisis in Maine, in 1839, and resulted in what was known as the "Aroostook War," the Federal government did not make any decisive move that would be a notice to the world that her frontier in Maine was to be protected at all hazards. History often repeats itself. Then, even more than now, the party in power was inclined

[26]Governor Enoch Lincoln.

to consider first of all what effect such action would have upon its political fortunes.

President Jackson had not acted with his usual vigor and aggressiveness in any attempts to settle this question with England and preserve our rights, maintain our national honor, and protect the rights and honor of a sovereign state against the overt acts of a foreign power. He had disappointed his political friends and lent encouragement to his enemies in both Maine and Massachusetts. President Van Buren took his seat in 1837, and, although the situation was much more serious than at any time during Jackson's administration, he was equally as inclined to procrastinate, if not to vacillate, about this subject of such vast importance, as was his predecessor.

During this period Maine had been ably represented in both houses of Congress. In the Senate had been such men as Ether Shepley, Peleg Sprague, John Holmes and Reuel Williams. In the lower house had been George Evans, F. O. J. Smith, Gorham Parks, Leonard Jarvis and Virgil D. Paris. The Maine delegation, heartily supported by the Massachusetts delegation, had been incessant in their efforts to force the administration to action. Of their vigilance and faithfulness in this respect and their endeavors to constantly keep this issue a prominent one before the country there can be no doubt.

And yet eloquent speeches in Congress, convincing passages in Governors' messages and exciting reports and resolves of legislative committees, however much they might have aroused public sentiment in Maine, failed of having any salutary effect upon their neighbors across the border, sustained as they were by the powerful arm of Great Britain, so long as the policy of the national government was a passive one. Rather did their magistrates become more defiant in claiming jurisdictional rights over the disputed territory, by issuing civil and criminal processes against the settlers along the Aroostook, Madawaska and upper St. John rivers, and their officers more bold and domineering, and trespassing on these lands was increasing. On the 14th of December, 1838, the land agents of Massachusetts and Maine appointed George W. Buckmore an agent to proceed to the Fish rivers and investigate the trespassing by New Brunswick parties and prevent such trespassing if possible.

Based upon the report which Buckmore made to the land agent and other similar reports, Governor Fairfield, January 23, 1839, submitted to the Legislature a message, in which he asserted that:

> By this report it appears that a large number of men, many of them, I am informed, from the British provinces, are trespassing very extensively upon the lands belonging to this State; that they not only refuse to desist, but defy the power of this government to prevent their cutting timber to any extent they please.
>
> Upon the Grand river, it is estimated there are from forty to fifty men at work. On the Green river, from twenty to thirty.

On the Fish river, from fifty to seventy-five men with sixteen yoke of oxen and ten pair of horses, and more daily expected to go in. On township H ten men, six oxen and one pair of horses. On the little Madawaska seventy-five men, with twenty yoke of oxen and ten horses. At the Aroostook Falls fifteen men with six yoke of oxen.

The quantity of timber which these trespassers will cut the present winter is estimated in value, by the Land Agent, at one hundred thousand dollars.

And the Governor very pertinently remarked that it was not merely the property that was at stake, but "the character of the State is clearly involved." He recommended to the Legislature that the land agent be instructed forthwith to proceed to the place of operation on the Aroostook and Fish rivers with a sufficient number of men suitably equipped, to "seize the teams and provisions, break up the camps, and disperse those who are engaged in this work of devastation and pillage." In this report Mr. Buckmore says:[27]

During my stop at the Madawaska settlement, I was called upon by Francis Rice and Leonard R. Coombs, Esquires, two of the Magistrates living at Madawaska, to learn my business on the St. John River, which I freely communicated. They said they were authorized by the Governor to arrest all persons attempting to exercise jurisdiction, on the part of the American Government, in the Madawaska settlement, and that they should forward a copy of my instructions to the Governor at Fredericton.

January 24, 1839, the Legislature passed a resolve instructing and empowering the land agent to carry out the recommendations of the Governor, and appropriating ten thousand dollars for the purpose.

In 1838, the Democrats had defeated Governor Kent, the Whig Governor, and were again in power in Maine and had elected John Fairfield, Governor, who was inaugurated in 1839. He appointed Rufus McIntire, of Parsonsfield, land agent. Mr. McIntire was unquestionably a man of ability and integrity. He was a lawyer and had represented his district in Congress four terms. Pursuant to the legislative resolve above referred to, Governor Fairfield ordered the land agent to go to the Aroostook and Madawaska country for the purpose of carrying out the provisions of the resolve. Mr. McIntire employed Major Hastings Strickland, of Bangor, then sheriff of Penobscot county, to accompany and assist him in this work.

Consequently an expedition left Bangor during the first week of February, 1839, consisting of the land agent, Major Hastings Strickland, with a large civil posse, Ebenezer Webster and Captain Stover Rines, of Orono, and Gustavus G. Cushman, of Bangor. They proceeded to the mouth of the Little Madawaska river, where they encamped. During the night of February 12, the house or camp where McIntire slept was surrounded by about forty armed men. McIntire demanded by what authority they arrested him, and the commander, pointing his musket at McIntire's breast,

[27]Buckmore's report was made to Elijah L. Hamlin, land agent, in 1838.

said, "This is our authority." They were taken before a magistrate at Woodstock who issued a warrant against Land Agent McIntire, Gustavus G. Cushman and Thomas B. Bartlett, of Bangor, and they were forthwith marched to Fredericton and lodged in jail.

On Sunday, February 17th, the citizens of Bangor beheld officers escorting two of the leading men among the province trespassers, Mr. McLaughlin, warden of the public lands in New Brunswick, and Captain Tibbets, of the Tobique settlement, as prisoners through the streets of that city. They had been captured by the Maine soldiers a few days before and were taken to Bangor, but, unlike the prisoners captured by the British, they were not incarcerated in jail, but were held in custody in the Bangor House and fared sumptuously.[28]

On March 1, 1839, news was received in Bangor that a regiment of eight hundred Fusileers had arrived in the city of St. John, from Cork, Ireland, and would march forthwith to the disputed territory. Five hundred British regulars had arrived at Madawaska from the city of Quebec, and eight pieces of cannon had been transported up the St. John river from Fredericton. The people of Maine were kept informed of the doings at the "Seat of War" by special messengers, stages and express teams, daily coming into Bangor.

The Bangor *Whig* was published daily, and was one of the most interesting of the Maine newspapers of the day. It kept a "war correspondent" at Houlton, and had a column or more in every issue for several weeks, giving graphic descriptions of the scenes of "war," of the hardships which were encountered, and of the soldiers tenting on the melting snowdrifts, all the way from Houlton to Madawaska. Some of this correspondence would have done credit to the "stories" of the "yellow" journals of more recent times. In one of these letters, published March 7th, the writer says: . . . "let us give every hireling and subject of a monarchy, that grant to territory, which King Harold of yore was willing to give to the Norwegian King—seven feet by two."

The news of that day and the editorials in the papers at the time were more or less colored by the issues of Maine politics. The Bangor *Whig* was violently partisan, and for a time did not give Governor Fairfield (who was a Democrat, and had been chosen Governor over Governor Kent) credit for being either competent or patriotic. But as the public mind became intensified in favor of protecting our border, it changed its course and was soon supporting his official acts as loyally as did the *Argus,* the *Age,* or any of the Democratic papers.

[28]The Bangor *Whig,* in speaking of this occurrence, editorially remarked: "It is worthy of remark and remembrance, that our Land Agent, when passing through Woodstock, was greeted with jeers and insults by British Subjects, but when the British Land Agent rode through this city, although there were over a thousand people assembled in the streets, he was suffered to pass in silence. Not a lip was opened or an insult offered."

When Sheriff Strickland first went to the Aroostook with his posse, and when McIntire was taken prisoner by Sir John Harvey's officers, the Whig papers contended that McIntire[29] left his camp and troops and went within a mile of the enemy to obtain a feather bed to sleep upon, and was thus seen and captured, and that if he had been content to have reposed upon spruce boughs he would not have fallen into the toils of the enemy. Some slurs were also cast upon Hastings Strickland for what they termed his "untimely haste" in escaping from the British officers, intimating that he was cowardly, and retreated very unceremoniously. The facts, however, were that he was alert enough not to be taken prisoner, as some of his companions were, and perceived at once the necessity for immediate and decisive action on the part of Governor Fairfield and Adjutant-General Hodgdon, if Maine's rights were to be protected. Being a man of great energy, he went from Madawaska to Augusta as rapidly as relays of swift horses would carry him[30] for the purpose of prevailing upon the State government at Augusta to mobilize troops upon the border without further delay. Major Strickland was a man of political sagacity and a leader of influence in the Democratic party, and one whom Governor Fairfield relied upon for advice and counsel.

Naturally both political parties tried to make political capital for themselves, the effect of which was to hinder efficient progress in protecting our frontier. The Democrats criticized Governor Kent in 1838, and in turn the Whigs censured Governor Fairfield whenever it was possible to do so. As the "War," or the military movement of troops to the frontier, was made under Governor Fairfield, the Whigs for many years thereafter kept up an incessant fire of ridicule against him, and Land Agent McIntire and Major Strickland. In this way it became a false tradition that the latter ran away from a conflict to escape imprisonment. One of the doggerels of the day commenced:

"Run, Strickland, run!
Fire, Stover, fire!
Were the last words of McIntire."

In the meantime the situation was becoming more and more inflammatory. It was the subject of discussion and agitation in England as well as America. On the 7th of March, 1839, both Lord Brougham and the Duke of Wellington made speeches regarding it in the House of Lords, calling attention to information which had been received from Canada and New Brunswick to the effect that lawless Yankees were invading and trespassing upon the British soil.

When the people of Maine received news of the proclamation of Sir John Harvey, lieutenant-governor of New Brunswick, of February 13, 1839,

[29]When McIntire was imprisoned, Governor Fairfield appointed Colonel Charles Jarvis provisional land agent.

[30]Bangor newspapers stated that Major Strickland did not even stop at his home in Bangor, but proceeded directly to Augusta.

which was a declaration of war, and the imprisonment of the land agent, the feeling of indignation was deep and universal. The Legislature appropriated $800,000 to be used by the Governor for the protection of the public lands. A draft was also ordered of 10,343 from the militia to be ready for immediate action. General Bachelder was commander of the western division of militia. Many volunteers from Penobscot and Piscataquis counties and other eastern portions of the State were also enlisted.[11] Within a week ten thousand American troops were either in the Aroostook region, or on the march there.

The National government was at last awake to the seriousness of the situation. Congress passed a bill authorizing the President of the United States to raise 50,000 troops for the support of Maine, and appropriating $10,000,000 to meet the expense if war became unavoidable.

General Scott was ordered to the scene of action, informing Governor Fairfield that he was "specially charged with maintaining the peace and safety of the entire northern and eastern frontiers." He arrived in Augusta with his staff the fifth of March, 1839, and opened headquarters. General Scott was also clothed with full power to act as mediator between the State of Maine and the Province of New Brunswick, and to enter upon negotiations which would if possible end further hostilities. He immediately communicated officially with Governor Fairfield and Sir John Harvey. The result was that on March 23, 1839, Sir John Harvey agreed to the terms of settlement negotiated by General Scott, and on March 25 the same were ratified by Governor Fairfield, who immediately issued orders to recall the troops from the Aroostook and the prisoners on both sides were liberated.

Thus ended the famous "Aroostook War," and fortunately for the people of the State and the Province it was a bloodless one. It has been derided and scoffed at and regarded as a huge international joke, and often has it been the subject for jest and laughter on the stump, and ever a fertile field for the grotesque wit of newspaper writers. And yet it is an incident in international history, in the history of the Nation, and of the State of Maine, that is of supreme importance and interest. For years its solution puzzled the wisest of our statesmen. The people of Maine believed that the territory which they possessed, and in which no one else had any rightful or lawful interest, was being wrongfully and illegally taken from them and that the government at Washington delayed the assertion of our rights unnecessarily, because it feared Great Britain.

Two expeditions were made to the Aroostook and Madawaska country. The first one, as we have seen, was by the land agent, accompanied by Major Strickland as sheriff of Penobscot county, with a posse of men for

[11]These volunteer soldiers were not paid by the Adjutant-General, as were the members of the militia, but were paid by the Land Agent. These payrolls were in the State Land Office until some fifteen years ago, when, presumably through the carelessness of employees in that office, they were lost. Hence there is no record of the names of these volunteers.

the purpose of driving off trespassers upon Maine soil. The second expedition was a military one to repel an invasion of the State, which the lieutenant-governor of New Brunswick, Sir John Harvey, had threatened to make. Patriotic sons of the Pine Tree State left their homes and firesides in the most inclement season known to our rigorous climate and marched through the deep snows of a wilderness, two hundred miles, to defend our frontier from foreign invasion, when the Federal government was needlessly procrastinating and turning a deaf ear to the cries of suffering and oppressed pioneers in the upper St. John valley. Because the good fortunes of diplomacy triumphed and averted the shedding of blood, is no reason why they are not entitled to a high place in the roll of honor, with all of the other hosts of patriotic defenders of our country and the protectors of her glory and renown.

In his annual message January 3, 1840, Governor Fairfield, in referring to the Resolves of the Legislature, passed in March, 1839, explains the withdrawal of the troops by saying:

> Soon after the adoption of the resolution, I received the written assent of the Lieutenant Governor of New Brunswick to the following, made to him by Major-General Scott, to wit:
>
> That it is not the intention of the Lieutenant Governor of Her Britannic Majesty's Province of New Brunswick, under the expected renewal of negotiations between the Cabinets of London and Washington on the subject of said disputed territory, without renewed instructions to that effect, from his government, to seek to take military possession of that territory, or to seek by military force, to expel the armed civil posse of the troops of Maine.

Upon the basis of this arrangement, the troops were recalled by the Governor, but he kept quite a large force or civil posse there after the withdrawal of the troops, under the direction and control of the land agent.

The Webster-Ashburton Treaty, which finally adjusted this international dispute that was acute for more than half a century, was concluded August 9, 1842; ratification advised by the Senate, August 20, 1842; ratified by the President, August 22, 1842; ratifications exchanged, October 13, 1842; proclaimed, November 10, 1842.

Other subjects, including the suppression of the slave trade and extradition, were also treated in this convention. The first and third articles, relating to the North Eastern Boundary are as follows:

> *Article I.*—It is hereby agreed and declared that the line of boundary shall be as follows: Beginning at the monument at the source of the river St. Croix as designated and agreed to by the Commissioners under the fifth article of the treaty of 1794, between the Governments of the United States and Great Britain; thence, north, following the exploring line run and marked by the surveyors of the two Governments in the years 1817 and 1818, under the fifth article of the Treaty of Ghent, to its intersection with the river St. John, and to the middle of the channel thereof; thence, up the middle of the main channel of the said river St. John, to the mouth of the

river St. Francis; thence, up the middle of the channel of the said river St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence, southwesterly, in a straight line, to a point on the northwest branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river Saint Lawrence from those which fall into the river Saint John, then the said point shall be made to recede down the said northwest branch of the river St. John, to a point seven miles in a straight line from the said summit or crest; thence, in a straight line, in a course about south, eight degrees west, to a point where the parallel of latitude of 46° 25′ north intersects the southwest branch of the St. John's; thence, southerly, by the said branch, to the source thereof in the highlands at the Metjarmette portage; thence, down along the said highlands which divide the waters which empty themselves into the river Saint Lawrence from those which fall into the Atlantic Ocean, to the head of Hall's Stream, thence, down the middle of said stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins, previously to the year 1774, as the 45th degree of north latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont on one side, and the British province of Canada on the other; and from said point of intersection, west, along the said dividing line, as heretofore known and understood, to the Iroquois or St. Lawrence River.

Article III.—In order to promote the interests and encourage the industry of all the inhabitants of the countries watered by the river St. John and its tributaries, whether living within the State of Maine or the province of New Brunswick, it is agreed that, where, by the provisions of the present treaty, the river St. John is declared to be the line of boundary, the navigation of the said river shall be free and open to both parties, and shall in no way be obstructed by either; that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture, not being manufactured, grown on any of those parts of the State of Maine watered by the river St. John, or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries, having their source within the State of Maine, to and from the sea-port at the mouth of the said river St. John's and to and round the falls of the said river, either by boats, rafts, or other conveyance; that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province; that, in like manner, the inhabitants of the territory of the upper St. John, determined by this treaty to belong to Her Britannic Majesty, shall have free access to and through the river, for their produce, in those parts where the said river runs wholly through the State of Maine; Provided, always, that this agreement shall give no right to either party to interfere with any regulations not inconsistent with the terms of this treaty which the governments, respectively, of Maine or of New Brunswick may make respecting the navigation of the said river, where both banks thereof shall belong to the same party.

In 1841 Edward Kent was for the second time seated as Governor of Maine. In his annual message he refers to a procedure on the part of

Great Britain that was convincing that she was violating the terms of the arrangement for peace initiated by General Scott and entered into by the Washington Government, the State of Maine and the Province of New Brunswick. Governor Kent said:

> The correspondence which has recently been communicated to you by my predecessor, discloses another movement on the part of the British authorities, well calculated to arrest attention and call forth indignant remonstrance on the part of Maine and the Union. If I am correctly informed, in a very short time after the conclusion of the agreement by which it was, in effect, stipulated that the British authorities should not take military possession of what is termed by them "the disputed territory," and during the existence of that arrangement, a detachment of Her Majesty's troops was stationed at Temiscouata Lake, within that territory, and has been continued there ever since. And we are now informed that another detachment has been moved to and stationed at the Madawaska settlement, for the purpose of sustaining the jurisdiction and supporting the exercise of authority on the part of the British magistrates.

In 1842 the Whigs had been defeated at the polls and Governor Fairfield was again in office. John Tyler was President of the United States, and Daniel Webster was Secretary of State.

In his message to the Legislature, the Governor said that the State had good grounds to believe a fair and reasonable proposition on the part of our government, with a view to a final and amicable settlement of the question, had remained another year unanswered, if not unnoticed. He expressed the opinion that there was no room for doubt or hesitancy as to the course which the general government ought to pursue and observed that "National honor, as well as justice to Maine, clearly indicate it—and that is, to purge the soil of this State effectually, and without delay, of every vestige of British encroachment; and then, if there is to be further negotiation upon this subject, let it be on the part of Great Britain to obtain what for more than a quarter of a century she has refused to yield. When a reasonable expectation can no longer be entertained that the general government will adopt this, or some equally efficacious course, if Maine is true to herself, she will take possession of the whole territory, and, if need be, use all the means which God and nature have placed in her hands to maintain it."

On the 17th of January, resolutions were passed instructing the Senators to call on the President for information as to the state of the negotiations, to which Mr. Webster replied that no correspondence had taken place which, in his judgment, could be made public without prejudice to the public interest.

A joint-select committee, of which Hon. Edward Kavanagh was chairman, made a report on the 7th of March, which practically restated and emphasized the position that Maine had always taken regarding the subject and recommended adhering to it and added: "Maine, through her Legislature, has uniformly protested against an arbitration; and we hazard

nothing in saying that the people of this State will never consent that the inheritance derived from their ancestors be committed to such a hazard."

On the 11th of April, Mr. Webster wrote Governor Fairfield that Lord Ashburton, a Minister Plenipotentiary and Special, had arrived at Washington, with full powers to negotiate and settle the different matters in discussion between the two governments; that in regard to the boundary question he "had authority to treat for a conventional line, or line by agreement, on such terms and conditions, and with such mutual considerations and equivalents, as may be thought just and equitable." He referred the Governor to the great losses of Maine in the Aroostook War, and to the fact that the United States had already paid $100,000 towards an exploration; and, disregarding the declaration of Mr. Kavanagh's committee that Maine would never give her consent thereto, told him that if the case were not settled now it would go to another arbitration. He then proposed that Maine and Massachusetts should appoint commissioners, with authority to give assent of those States to such a settlement as he and the British Plenipotentiary might agree upon; and, to this end, that the Governor should convene the Legislature in special session, without unnecessary delay.

In accordance with this request, the Legislature was convened by the Governor, at Augusta, on the 18th day of May, 1842. When the Legislature came together, they were informed by the Governor that "the British government is now prepared to propose . . . what may be thought to be a just and equitable equivalent for a portion of that which she has heretofore claimed as her own." He denounced any agreement for dividing the territory which did not afford an equivalent for the part that should be ceded to Great Britain. Hon. Israel Washburn, Jr., then of Orono, and afterwards member of Congress and Governor of Maine, was a member of the Legislature of 1842, and at a later time[32] in describing the attitude of Maine regarding this matter during that period, said:

The question was debated with much spirit for several days. Hon. Peleg Sprague, of Boston, Judge of the United States District Court, formerly a Senator in Congress from Maine, visited Augusta as the representative of Mr. Webster, and had prolonged conferences with members of the Legislature, urging the appointment of Commissioners, with liberal powers; and Mr. Jared Sparks,[31] the historian, was mentioned, confidentially, by the knowing ones, as being at the Capital and holding private interviews with certain members of the Legislature. Hon. Albert Smith, a former member

[31]Jared Sparks while engaged in searching in the archives of Paris among a great mass of papers that related to the American Revolution, chanced to discover a letter from Dr. Franklin to Count D'Vergennes, as follows:

Passy, Dec. 6, 1782.

Sir:—I have the honor of returning herewith the map your Excellency sent me yesterday. I have marked with a strong red line, according to your desire, the limits of the United States, as settled in the preliminaries between the British and American plenipotentiaries. With great respect, I am, &c.,

B. Franklin.

[32]"The North Eastern Boundary," by Israel Washburn, Jr., in "Collections Maine Historical Society," Vol. 8, pp. 88-89.

Mr. Sparks immediately transmitted a copy of this letter to Mr. Webster, writing to him that:

"You may well suppose that I lost no time in making inquiry for the map, not doubting that it would confirm all my previous opinions respecting the validity of our claims. In the geographical department of the archives are sixty thousand maps and charts, but so well arranged with catalogues and indexes that any one of them may be easily found. After a little research in the American division, I came upon a map of North America, by D'Anville, dated 1746, in size about eighteen inches square, on which was drawn a strong red line throughout the entire boundary of the United States, answering precisely to Franklin's description. * * * Imagine my surprise on discovering that this line runs wholly south of the St. John, and between the head waters of that river and those of the Penobscot and Kennebec. In short, it is exactly the line now contended for by Great Britain, except that it concedes more than is claimed. * * * There is no positive proof that this map is actually the one marked by Franklin; yet, upon any other supposition, it would be difficult to explain the circumstances in its agreeing so perfectly with his description, and of its being preserved in the place where it would naturally be deposited by the Count D'Vergennes."

No doubt this Franklin letter and red line map, found by Mr. Sparks, had great effect in influencing the Legislature of Maine and later the United States Senate, when it considered the question of ratifying the Webster-Ashburton Treaty. Yet facts have been discovered since that demonstrate that this evidence was probably worthless. Years afterwards a copy of Mitchell's map was found in the private library of King George III, and is now in the British Museum, having upon it a line showing the American claim, and marked by the King's own hand as "the boundary described by Mr. Oswald."

Referring to this, Ganong (Supra, p. 356) says:

"This map more than offsets the testimony of the very doubtful red line map."

of Congress from this State, a gentleman of large influence, alike from his distinguished ability and his rare and genial humor, was also in attendance as an organ of the State Department. Measures for the preparation of public opinion for a conventional line were set on foot. Leading newspapers—religious as well as political—were in possession of new light and unwonted zeal upon this subject, to the extent, in some cases, of being able to see things that had been wholly obscured before—and the secret service fund of the State Department suffered a shrinkage, the details of which, if I remember aright, Mr. Charles Jared Ingersoll, with all his pains, was never able to obtain.

With all this effort, and notwithstanding the proposition was only for the appointment of Commissioners who, it was supposed, would make equivalents in kind as the conditions of any convention they might assent to, there was a respectable minority of the Legislature, who were inflexibly opposed to the appointment of Commissioners, upon any conditions. Some of them believed that the State had no rightful power to sell or transfer, for a consideration, any of its citizens. Mr. William Frye, of Bethel, a member of the committee to which the subject had been committed, made a minority report in maintenance of this position; and I think there was not a member of either house who had a thought or fear that any convention would be entered into, under which if the State surrendered land which was hers by the treaty of 1783, she would not receive territory in return, which was acknowledged to belong to New Brunswick. From the opportunity which I had of knowing the feeling and expectation of members—having myself been one of them—I believe I take no risk in saying that if it had been understood that any line would be agreed upon that should not give to Maine some portion of the acknowledged territory of New Brunswick, in exchange for what the latter should receive from Maine, the commission would never have been constituted. I do not believe it would have received ten votes in both houses.

Four Commissioners—two from each political party—were appointed by the Legislature. William Pitt Preble and Edward Kavanagh represented the Democrats; Edward Kent and John Otis the Whigs. They proceeded without delay to Washington, and were there joined by Abbot Lawrence, John Mills and Charles Allen, Commissioners from Massachusetts. Mr. Washburn in his paper above referred to also said:

The assent of Maine to the treaty, which was literally wrung from her Commissioners, was given on the twenty-second of July, 1842. Massachusetts had given hers two days before. One needs but to read the paper in which that of Maine was conveyed, or the report of the Commissioners to the Governor, to discover that it was only through moral duress of the representatives of Maine that the document was obtained. The grief and the shame of it were expressed in words which cannot be misunderstood.

The Commissioners said:

Considering, then, this proposition as involving the surrender of more territory than the avowed objects of England require, as removing our landmarks from the well-known and well-defined boundary of the treaty of 1783, the crest of the highlands, besides insisting upon the line of the arbiter in its full extent, we feel bound to say, after the most careful and anxious consideration, that we cannot bring our minds to the conviction that the proposal is such as Maine had a right to expect.

But we are not unaware of the expectations which have been and still are entertained of a favorable issue to this negotiation by the government and people of this country, and the great disappointment which would be felt and expressed at its failure. Nor are we unmindful of the future, warned as we have been by the past, that any attempts to determine the line by arbitration may be either fruitless, or with a result more to be deplored.

Chapter XI

REFORM MOVEMENTS— REAL AND SUPPOSED

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The nineteenth century was an age of "movements"; some were wise and just, others foolish and wrong. In Maine there were four which played a part politically. They were anti-Masonry, prohibition, anti-slavery, and Know-Nothingism. The first to take a political shape, but the least important, was anti-Masonry.

In 1826, a New York mechanic named Morgan, announced that he was about to publish a book revealing the secrets of the Order. He was kidnapped by certain Masons, and disappeared from the sight of men. His fate is still a mystery. There was a great outburst of popular feeling; it was claimed that Morgan had been murdered, Masonry was charged with setting itself above the State and the Church. Many Masons renounced the order, and many lodges dissolved. A political party whose object was the annihilation of Masonry was formed; in 1832 it nominated a President and carried one State, Vermont, but the excitement quickly died down and the party disappeared.

In Maine, anti-Masonry was for a time triumphant. Masonry almost vanished. Josiah H. Drummond says in his "History of Portland Lodge": "The Grand Chapter of Maine failed to meet some years, and had merely nominal meetings in other years. The Grand Lodge, from 1834 to 1843, met annually, but once without a representative from a single lodge, and had representatives but twice during that time from more than four lodges. Indeed, almost all the lodges suspended their meetings and became dormant, even if they did not surrender their charters."

In Maine, as elsewhere, the agitation took a political form. In 1831, 1832 and 1833 there were anti-Masonic candidates for Governor, receiving in the several years, 869, 2,384, and 1,076 votes, respectively. In 1835 there were 615 scattering votes, a number much larger than usual and it may be that many of these votes were anti-Masonic. The party had a sudden rise and a rapid fall, and in the forties Masonry revived. About the time that anti-Masonry ceased to be an issue the anti-slavery agitation began.

There is no reference to slavery in Maine during the Gorges period. When the province became a part of Massachusetts, the customs and laws of the Bay Colony took effect there. In 1645 the General Court had forbidden slavery in Massachusetts except in the case of captives taken in a just war, or as a punishment for crime, but negro slavery was gradually introduced and in 1705 a law recognized its existence.

There were few slaves in Maine, and it is probable that they were chiefly house servants in the commercial towns. Sir William Pepperell had some as a part of his elaborate establishment at Kittery. Rev. Mr. Smith, of Portland, desired to buy "a negro man and a likely young negro

woman." In 1764 there were in Maine 23,686 whites and 322 blacks; how many of them were free and how many slave is not stated. No negroes were found east of Pownalborough, the farmers of the interior preferred to employ white labor. In 1774 Massachusetts passed an act forbidding the importation of slaves, but it was disallowed by the Crown. In 1780 Massachusetts declared in her constitution "that 'all men are born free and equal'—a clause which was inserted by Judge Lowell, with special reference to the subject of Slavery."[1] It had been greatly mitigated by custom. "During the last years the institution existed they (the slaves) suffered no greater hardships than hired servants. They were admitted as church members. They could hold property, both real and personal. They testified in courts of justice. Their family relations were seldom disturbed, although small negro children when weaned, were sometimes given away like puppies as an incumbrance."

In the debate on the ratification of the Federal Constitution, members from Maine showed considerable feeling on the subject of slavery. When the section forbidding Congress to abolish the slave trade was being considered, Rev. Mr. Neal, of Kittery, "went over the ground of objection to this section, on the idea that the slave trade was allowed to be continued for twenty years. His profession, he said, obliged him to bear witness against anything that should favor the making merchandise of the bodies of men, and, unless his objection was removed, he could not put his hand to the Constitution. Other gentlemen said, in addition to this idea, that there was not even a proposition that the negroes ever shall be free; and General Thompson exclaimed, "Mr. President, shall it be said that, after we have established our own independence and freedom, we make *slaves* of others? O! Washington, what a name has he had! How he has immortalized himself. But he holds those in slavery who have as good a right to be free as he has. He is still for self; and, in my opinion, his character has sunk fifty per cent."[2]

The Missouri Compromise raised the question of the extension of slavery in the Union and the opposition to it in Maine was very strong.

In 1825, Rufus King offered a resolution in the Senate setting aside the proceeds of the public lands except when already pledged for the payment of the national debt, as a fund inviolably pledged to assist in the emancipation and removal of slaves and the removal of free persons of color, to be used only in States that permitted such emancipation or removal. Senator Hayne, of South Carolina, promptly offered counter-resolutions. The Kennebec *Journal* made the comment: "Have we not some reason to suspect the people of the southern states are not so anxious to rid themselves of the evil as they pretend to be when we see them reject so generous an offer?"[3] King had always been opposed to slavery, and forty years before

[1]Barry, "Massachusetts," III, 189.
[2]Elliot, "Debates," II, 107.
[3]Kennebec *Journal*, April 30, 1825.

had offered a resolution in the Continental Congress excluding it from the Northwestern Territory.

In 1828, Benjamin Lundy, who forms the connecting link between the anti-slavery men of the Revolution and Garrison and his followers, visited Maine. In 1831, Garrison, then an assistant of Lundy's, on his paper, the *Genius of Universal Emancipation,* published at Baltimore, was sued for libel, and went to Boston to obtain evidence to aid in his defense. While there, in great need of funds, he received a check for $100 as a testimonial of appreciation of his work for the slaves. The sender was an acquaintance of Garrison, a native like him of Newburyport, Massachusetts, Deacon Dole of Hallowell. In 1831 Garrison commenced the publication of the *Liberator,* and in 1832 the New England Anti-Slavery Society was formed. The radical views and bitter language of Garrison aroused the most vehement opposition. The South demanded the suppression of the *Liberator,* and it found many sympathizers in the North. The *Argus* thought that it saw "indications of a spirit at the South, to seize upon the most trifling provocations of (for) a rupture of the Union of the States." It claimed that "the South . . . are [sic] beginning to be sensible of the true character of slavery. The people of the South will overrule it, in due season, for the general happiness of both masters and slaves, *provided they are let alone by us of the North.*"[4] The Augusta *Age* said that it was utterly impossible for the Abolitionists to benefit the slaves in the South, and that the most moderate abolition propaganda would endanger the Union.

There were, however, some men in Maine who believed in the thorough-going methods of Garrison. In November, 1833, the first anti-slavery society in Maine was formed at Hallowell, and Deacon Dole was elected president. In December a national anti-slavery society was formed at Philadelphia, and one of the twenty-five vice-presidents was General Samuel Fessenden of Portland. In 1834 a State anti-slavery society was organized in Maine, with Samuel M. Pond of Bucksport for president. It censured the use of uncharitable language, and disclaimed any personal hostility to slaveholders, and any intention of forming a political party; but its convention gave great offence by welcoming and inviting to sit with them an English anti-slavery lecturer, George Thompson. The bringing of a foreigner to discuss an American question, and the vigorous language indulged in by him, was used by the anti-abolitionists to stir up a riot. Willey says in his history of anti-slavery: "This brought him to Portland, October 12, the next day to Brunswick and on the fifteenth to Augusta to the state convention. His meetings were crowded with listeners who were delighted and inspired. This alarmed political servility. Rev. J. T. Hawes writes:

"Mr. Thompson addressed the meeting in a most powerful manner. He read from a paper published in Augusta an editorial notice of his

[4] *Argus,* May 3, 1833.

expected presence, denouncing him as a 'mischief-maker coming across the ocean to teach Americans their political duties.' And then he asked whether the good people of Augusta and vicinity sustained such a paper. He said that if it was a crime to have been born in England, he would submit it to the audience to say whether he had not sufficiently atoned for the offence by coming to America as soon as he could. The editor of the paper was present, bit his lips, whistled, and left the room. Several men followed him, and concocted a plan to raise a mob and break up the meeting if Mr. Thompson should appear in the house again.

"He was invited to dine at Rev. Dr. Tappan's, and while there a message was sent to warn him not to appear in the Court House again. This message was delivered to Dr. Tappan, who, fainthearted good man, persuaded him not to go; so he stayed with him during the afternoon. Then the whole convention moved down to Hallowell—two miles—where we had a grand meeting in the evening[5] and the next day and completed our business. The next Sabbath, Dr. Tappan preached a sermon, which if any of the mobocrats heard, they did not soon forget. The Doctor was a little timorous at first, but soon firm and decided—a most worthy man.

"Mr. Thompson lectured in Brunswick with persuasive effect upon the students of Bowdoin, and others who heard him. From there he went to Waterville where the students of another college shared the thrilling power of his eloquence. Then he was invited back again to Brunswick where students and a dense crowd felt again his power. Then he returned to Portland and lectured six times in as many churches."

But if the Abolitionists were zealous in spreading their doctrines, their opponents also appealed to public opinion. Meetings were held in many of the principal towns to denounce abolitionism. On August 18, 1835, a largely attended one was held at Portland. It declared that it condemned the abolition agitation, that "its result was to excite the passions of the slaves and to make free persons of color not only dissatisfied with the condition in which they were placed by the established orders of society, but to make them repine and murmur at the order of Providence which by an indelible character has marked them and will forever mark them as a peculiar people." It was also resolved that "we have seen with feelings of indignation, itinerant, intermeddling foreigners, impertinently obtruding themselves upon our people," and the fear was expressed that however honest the intentions of the anti-slavery societies, they were in reality preparing the way for servile insurrection and civil war.

The meeting voted that slavery was morally wrong and politically and economically evil, but that "its immediate eradication would produce evils which cannot be contemplated without dismay. Since independence the sphere of slavery has contracted from natural causes and will continue to do so, if not unreasonably and injudiciously agitated." The meeting asserted its respect for the feelings of philanthropy "which we trust first called the societies into existence," but entered its solemn protest against

[5]The mob discovered what was being done and likewise adjourned to Hallowell. Their attempt to break up the meeting was, however, frustrated by the prompt action of the officers of the peace.

their inflammatory and incendiary proceedings for the remedy of the evils of slavery. It trusted "the generous and chivalrous South to give the attention it demands and that in due time in the way their better information shall dictate slavery shall gradually disappear from our country and that only stain upon our national scutcheon be wiped away." The resolutions were unanimously adopted and a committee consisting of one member from each parish in the city was appointed to request the various parish committees not to permit any person to lecture in their meeting-houses on the abolition of Southern slavery. The *Argus* most cordially endorsed the proceedings of the meeting. It declared that a general enthusiasm was displayed, and all party feeling lost, that there was an evident wish at the meeting among those hitherto backward to make themselves prominent, and that but one feeling dared manifest itself in the town.

Nevertheless in the following year (1836) the Maine Anti-Slavery Society "dared" to meet in Portland. The Mayor at first gave them permission to use the city hall but then withdrew it. The Quaker meeting-house opened its doors. As violence was apprehended the meeting sent General Fessenden and Rev. Mr. Thurston to the Mayor to ask protection, and they reported that the chief magistrate of the city had replied that he was willing to do what he could, but that he could do nothing. A mob assembled, hooted, threw stones and brandished clubs, but did not prevent the meeting.

The Bangor *Whig* made this comment on the disturbance: "What consummate folly! This usual attendant of a meeting of the Anti-Slavery advocates, is building them up more rapidly than can be estimated." The *Whig* was no abolitionist paper. About two months later it declared that, "opposed, from every principle, to slavery, we nevertheless acknowledge the right claimed by our Southern brethren, to be given (governed?) by the Constitution under which we live. We would cheerfully aid the cause of emancipation, but we are not convinced that a crusade against the slaveholder in his present excited state, will have a tendency to loosen the bonds, or hasten the redemption of the slave." The *Whig*, therefore, advised the abolitionists to devote themselves to assisting England in her endeavors to utterly destroy the African slave trade.

In 1837 occurred the murder of Elijah P. Lovejoy, a Maine-born man, and a graduate of Waterville College. He had attempted to publish an anti-slavery paper in Missouri and his press was destroyed. He moved across the Mississippi to Alton, in the Free State of Illinois, and his press was again destroyed. Lovejoy was determined to die if need be in defense of free speech, ordered a third press, and with several armed friends went to the building where it was stored, to protect it. An armed mob attacked the warehouse and Lovejoy was killed defending his property. Many who had been lukewarm on the subject of slavery were stirred by this attack

on free speech, but the murder seems to have caused less excitement in Maine than might have been expected. The *Whig* stated on November 30 that it disapproved the Lovejoy mob as it did all mobs, but that this one was not especially bad. By February, however, it appears to have condemned the mob more severely, for it stated that if, as was reported, all the Alton rioters had been acquitted, "Illinois should close her halls of justice; for their forms of law are but a farce and their pretended administration of justice but a mockery."

In October, 1838, there was a sharp struggle in Brunswick over the question of publicly discussing the subject of slavery. A meeting was held to consider the matter and an attempt was made to railroad through resolutions already prepared unfavorable to the abolitionists. Professor Smythe of Bowdoin demanded a discussion. There were hisses and cries of "Down with him!" but the Professor was not to be daunted. General John C. Humphries came to his support and the meeting adjourned till the 30th without action. When they reassembled, "General A. B. Thomson offered resolutions to the following effect: Against any interference with slavery by the people of non-slaveholding States. Admitting the right of free discussion, but against the exercise of it and against any unlawful opposition to it. That the opinions expressed in these resolutions were in accordance with the sentiments of the vast majority of the citizens of that community. Mr. Adams spoke in opposition to the resolutions, though his remarks met with frequent interruption. The resolutions were adopted by a vote of one hundred and sixty-three to one hundred and seventeen." On Friday, November 2, there was a meeting of "the friends of free discussion and the right of the people freely to assemble for the purpose of discussing any subject on morals, politics, or religion, in which they feel an interest." The Messrs. Wheeler say in their "History of Brunswick:

"Professor William Smyth addressed the meeting at some length, reviewing the action of the former meeting, and taking strong ground in favor of free speech. Professor William Smyth, Dr. James McKeen and Major Nahum Perkins were appointed a committee to prepare business for the meeting. They reported the following resolution:

" 'Resolved that freedom of thought and of speech is the natural right of every human being; and that our Federal Constitution sacredly guarantees its protection to every citizen of this Republic.'

"Brief remarks were made by John M. O'Brien, Esquire, in favor of the resolution. He was followed by Mr. Codding, who addressed the meeting at some length. A vote was then taken upon the resolution which was almost unanimous in its favor. Resolutions were then passed that while the meeting would express no opinion either for or against the principles of the abolitionists, that they have a perfect right to hold and utter and defend their sentiments, and 'that as good citizens they should patiently bear with each other's supposed mistakes and errors, not doubting but, in the end, from the collision of mind with mind in open, fair and manly discussion, the truth on every important subject will shine forth clear as the noon-day, commanding the united assent of all.' "

Rev. Dr. Adams, the highly respected minister of the Congregational church, invited an active anti-slavery minister, Mr. Cone, who was visiting Brunswick, to occupy his pulpit. What followed is thus described, from the anti-slavery point of view, in Willey's "History of Anti-Slavery":

"There was a full audience, including college Faculty and students and the Governor of the State.* The subject was the Triumph of the Gospel, and Mr. Cone mentioned some of the obstacles that may be removed before it could triumph, including intemperance, Sabbath-breaking, and slavery. When that last word was heard two wealthy ship owners and masters were quickly on their way out of the church, and another was prevented from following only by his daughter getting his hat. Others were about to follow, and the Governor said he was only restrained by his dignity. Pausing a little, Mr. Cone calmly remarked that it was unwise to seek to escape from the truth; they must meet it somewhere, and they could do it safer then than at the day of final account. He then finished his discourse.

"Much excitement followed. Early Monday morning those ship owners were on the street denouncing that 'nigger man Cone.' A crowd collected, and when the orator paused, a robust man spoke: 'Gentlemen, I don't know much about this man you are denouncing so; but one thing I do know, that he is decidedly the smartest that we have ever had in Brunswick. A man that cast out two devils in one-half day is no ordinary man.' This raised a shout, turned the current the other way, the worthies hurried home, and that kind of war on abolitionists was there given up."

The feeling against the abolitionists was very strong in the seaport towns, whose prosperity depended in part on Southern trade. A large meeting at Machias where Cone spoke, voted by a large majority "that it is unconstitutional and inexpedient to form societies in non-slaveholding States for the immediate abolition of slavery in slaveholding States."

Nevertheless the anti-slavery cause had made considerable gains. In the country some distance from the sea-coast, the majority of the clergy were its warm advocates; each county had its anti-slavery society. The violence and the extreme demands of the South strengthened the cause of their opponents. Men who, while disapproving of slavery, had not been inclined to do anything about it, were deeply stirred by what they regarded as an attack on the sacred right of petition.

As Congress had by the express terms of the Constitution "exclusive jurisdiction" over the District of Columbia, the abolitionists were continually petitioning Congress to abolish slavery there. There was not the slightest probability of such action being taken, but the excitable Southerners, not satisfied with practical security, demanded that Congress refuse to receive the petitions. For many sessions rules to that effect were passed by the House of Representatives. John Quincy Adams, then a member of

*This must be an error. The reference is to Mr. Dunlap, of Brunswick, but he had ceased to be governor the preceding year. The governor in 1838 was Edward Kent, a resident of Bangor, who held strong anti-slavery opinions and would not have acted as Willey states the "governor" did.

the House, fought them with his utmost strength. In general the Democrats supported and many of the Whigs opposed them. In the Maine delegation the Whigs opposed the gag, the Democrats were divided. At home the *Argus* assailed Adams with the most violent abuse. In an article headed "The Massachusetts Madman" it said that "John Quincy Adams' Congressional District ought to be indicted as a nuisance, and denied a Representative on the floor of the House until its inhabitants come to their senses sufficiently to send a man there who will not disgrace himself, them and the country. It is a melancholy sight to see a man of Mr. Adams' herculean mind and vast acquirements aspiring to no more honorable situation than that occupied by Davy Crockett, until he was hunted out of that body whose buffoon it was his pride to be."

It defended the gag on the ground that the Representatives had simply refused to take "*subsequent action* upon a certain class of requests which they believe they are not empowered to grant, and the discussion of which, if permitted to go on, would be absolutely interminable."

It may be, however, that the editors were giving their official, rather than their personal, views. When in 1844 Adams won his long fight and anti-slavery petitions were received like other petitions, the *Argus* said: "The repeal of the 25th rule, commonly called 'the gag,' has taken away from the 'Liberty Party' the strongest spoke in the wheel of their operations. It was originally conceived in ignorance, and brought forth in stupidity. It was the driest fuel to the fire it was designed to extinguish, and nobody ought to be gladder than the slaveholders themselves that it is no more."

A week before, the *Argus* had condemned the treatment of Mr. Hoar in Charleston. South Carolina was accustomed to seize free negroes who came into her ports as cooks or sailors on Massachusetts ships, keep them in jail until the vessel was ready to leave and then if they could not pay their jail fees sell them as slaves. Massachusetts maintained that this was a violation of the section of the Constitution which provides that "The citizens of each State shall be entitled to all privileges and immunities of the citizens in the several States." Accordingly, the Governor and Council sent Mr. Samuel Hoar[1] as an agent to Charleston to take legal measures for the protection of her seamen. With the approval of the South Carolina authorities, he was compelled to leave.

The *Argus*, in commenting on the affair, said "it would have been much better for South Carolina to have treated Mr. Hoar with the respect due to the legal representative of one State to another, and far better to have aided in obtaining a legal decision upon her own disputed laws. Such an issue she cannot avoid. She talks loud, but she must abide by the Constitution and in case of refusal, the constitutional means in the hands of the proper authorities must be used to enforce obedience. In the mean time all

[1] Father of Senator Hoar.

friends of the Union, and the Constitution, must endeavor to pour oil upon the troubled waters."

Soon after the formation of the Maine Anti-Slavery Society, the subject of slavery forced itself on the attention of the Maine Legislature. Various Southern States called upon the Northern States to suppress anti-slavery newspapers. Demands of this nature being made upon Maine, by the Governors or Legislatures of North Carolina, South Carolina, Georgia, Alabama and Virginia, the Maine Legislature of 1836 referred them to a committee which reported:

"Slavery is a question in which we as a State have no interest, it is unknown in Maine, and those States who recognize its existence, have the exclusive control of the subject within their borders. As one of these United States, it is not for Maine, or the citizens of Maine to interfere with the internal regulations of any other independent State; no possible good can result from such an interference with affairs over which they can exercise no control.

"That these are the sentiments of the great mass of the People of Maine is evinced by the numerous public meetings, which were held in every part of the State the past season, in proof of which your committee adduce the following Resolution passed unanimously at the meeting in Portland, the largest city in Maine on the 15th of August last.

"*Resolved,* That it is the bounden and sacred duty of good citizens of every State carefully and scrupulously to avoid all interference and attempts to interfere, and all manifestations of any intention or wish to interfere, with the peculiar interests, concerns, laws and domestic policy of every other State in the Union; and that all such acts of interference, where they tend to disturb the quiet, to alienate the feelings, to provoke the jealousies or to jeopardize the safety of the citizens of the States, made unwilling subjects of such officious intermeddling deserve, and ought to receive the reprobation of every friend to his country.

"Similar resolutions have been passed at public meetings by the inhabitants of Augusta, Bangor, Hallowell, Brunswick, Bath, Waterville and by many other towns too numerous to be mentioned; and we may with confidence assert, that however divided on other great political questions, on this subject but one feeling pervades the State, and that the discussion of the question of slavery has been arrested in Maine by public sentiment, more effectual in its operation than any law which could be enacted.

"Under these circumstances and in consideration of the fact that no abolition paper is printed in Maine, your committee would deem any legislation on the subject as uncalled for, unwise, and inexpedient as tending to excite a discussion which has subsided."

The report was accepted by the Legislature. It was one thing, however, for Maine, to declare an abstract principle, another to have slave catchers on her coast or to surrender her citizens as criminals to answer a charge of stealing slaves; that is, of assisting them to escape. In 1837 the people of Thomaston were much stirred by the seizure of a fugitive slave. Mr. Eaton in his history of Thomaston, Rockland and South Thomaston thus describes the affair:

"Capt. Daniel Philbrook of Camden, and Edward Kelleran of Cushing, master and mate of the schooner *Boston,* being at Savannah, employed James Sagurs and his slave Atticus to make some repairs upon the vessel. While thus employed, Atticus had an opportunity of talking freely with the sailors on board, and, learning the facilities of getting a living in the free States by his trade, contrived to conceal himself in the vessel just before it sailed, and was not found till after many days at sea. After his arrival at this port, no obstacles were thrown in the way of the fugitive's escape; and he remained working for a time at Mr. Kelleran's. In the mean time his master arrived in pursuit of him; and, after some difficulty and delay, obtained a warrant from H. C. Lowell, Esq., for his arrest. This was committed to D. N. Piper, who, not finding the man, and perhaps not feeling any strong desire to do so, returned the warrant. An advertisement was then issued, offering $20 for the slave's apprehension. For this sum, two men, it was thought, under pretence of befriending Atticus who had now become alarmed and knew not what course to take, induced him to hide in Swan's barn, where, probably by their direction, he was arrested and delivered to his master. The names of these men though probably known to the officer who made the arrest, have never been divulged by him. Sagurs re-embarked with his human property at East Thomaston, but not without strong marks of natural sympathy and just indignation from the crowd who there witnessed the scene."

The indignation was not confined to the spectators. In the following year a law was passed which in effect punished with imprisonment in the State prison for not over five years, or by a fine of not over one thousand dollars and imprisonment in the county jail for not more than one year every person who without lawful authority should assist in the seizure of a fugitive slave. It was also provided that "the consent thereto of the person so taken, inveigled, kidnapped or confined, shall not be a defence, unless it shall be made satisfactorily to appear to the jury, that such consent was not obtained by fraud, nor extorted by duress or by threats." Yet in the same year the Maine Senate referred certain petitions relating to slavery to the Legislature of 1897! The Bangor *Whig* rightly said that such conduct was as insulting to the petitioners as derogatory to the dignity of the Legislature. "The petitions were entitled to respect; they should have been considered, and if thought unworthy to be granted, rejected. It shows in the members of our Legislature, a disregard of the rights of their constituents, thus to treat their respectful memorials. Further, if the Legislature was desirous of putting an end to these petitions, their course was inexpedient, because no man was ever convinced that he had done wrong by being treated in a manner uncalled for and insulting."

In 1838 the Maine House of Representatives refused the use of its hall for an evening meeting of the Maine Anti-Slavery Society, but by a vote of 69 to 62 resolved that "Congress has the right under the Constitution to abolish slavery in the District of Columbia, and the exercise of this right would not be inconsistent with the good faith and honor of the country." By a vote of 85 to 30, they resolved "that the continuance of slavery

within the sacred enclosure and chosen seat of the National Government, is inconsistent with a due regard to the enlightened judgment of mankind, and with all just pretensions on our part to the character of a free people, and is adapted to bring into contempt republican liberty, and render its influence powerless throughout the world." The resolutions were defeated in the Senate by a majority of one.

In 1840 a number of anti-slavery workers, believing that political action was advisable, formed the "Liberty Party," and nominated James G. Birney for President. Nominations for Governor were made in various States, but in Maine the Whig candidate, Edward Kent, had shown sympathy for the anti-slavery movement and was generally supported by the friends of the cause. At the Somerset county anti-slavery convention in October, an attempt was made to nominate presidential electors, but the meeting, which changed from a convention to a general assembly, rejected the proposition by a large majority. Some of the dissatisfied determined to have a ticket nevertheless. Mr. Willey in his history quotes an account by one of the leaders, Augustus F. Holt, of New Sharon:

"The meeting house was filled, all present participated, and it really was a mass meeting. It was evident that the Whigs were making a raid on us. The President, Eleazar Coburn, Esq., left the chair and opposed independent action with all his power. Rev. G. W. Hathaway, of Bloomfield, replied with irrefutable logical argument and irresistable eloquence. But the mass blind to all argument, voted us down, and the meeting closed.

"On our way home, Deacon John Kimball and myself discussed the situation, and decided that I should call personally on such as we knew could be relied on, to come together and nominate a state ticket of electors. About twenty tried and true men met in the old yellow school-house in Bloomfield, near the meeting house, October 12. Deacon J. Kimball was chosen Moderator, and B. E. Messer, Secretary. After prayer, carefully drawn resolutions were presented by Rev. Mr. Hathaway, a well selected electoral ticket was adopted, and ordered published in (the) *Advocate of Freedom*. Deacon John Bicknell of Madison failing to get a printed ticket, wrote out one covering half a sheet of paper. He had some difficulty in getting it into the box, which excited the mirth of the crowd. Nothing daunted, the good Deacon exclaimed, 'It will hatch!' And sure enough the next year there were twenty-four votes cast in that town for the liberty party."[1]

The ticket appeared on the 22nd of October and created great excitement. It obtained, however, according to the official count, only 194 votes. Mr. Willey says, "No doubt hundreds more ballots would have been cast for it had they been well supplied at every voting place in the State. It was said that many votes were not reported, certainly our own was not."

Harrison's inaugural gave great offense to the abolitionists, and they were still further alienated from the Whigs after his death by the succession of Tyler, a Virginian slaveholder, to the presidency. On July 1, 1841, a

[1] Willey, "History of the Anti-Slavery Cause in State and Nation," 149.

State convention was held at Winthrop; Jeremiah Curtis of Calais was nominated for Governor, and received at the election 1,662 votes. This mingling of anti-slavery and politics met with violent protest from both parties particularly as the new movement worked largely through churches and church people. The *Argus* protested again and again that the church should hold itself apart from and above politics. The Whigs were more anti-slavery than the Democrats. They felt that they therefore deserved the support of anti-slavery men, the liberty party would draw more votes from them than from the Democrats and they joined their opponents in demanding that the church should be kept free from politics. Rev. Mr. Leavitt, a leading anti-slavery journalist, in a letter to the *Emancipator* thus describes an incident at Bangor:

"I find here, as at Skowhegan, the countenances of the old politicians a good deal lengthened by the movements of the Liberty party. It is difficult to describe the sensitiveness here. It was Seminary week, and Rev. Dr. Hawes, of Connecticut, preached a sermon in one of the churches on the immortality of the soul. In an inference he said he would as soon think of holding an angel as property as an immortal man. Had an earthquake suddenly shaken the everlasting rocks on which the clay banks of Bangor recline, the audience could not have been more startled. The editor of the Bangor *Whig* sternly rebuked it in his paper. It was a prostitution of the pulpit to the dirty work of politics. . . . But I tell these people they may as well stop before they begin, for there are ministers in Maine who cannot be scared by owls or geese. . . . This class of men will of course be vociferous against the formation of a party based on moral principle."

In fairness to the opponents of abolitionism in the pulpit, it should be remembered that it is only in extraordinary circumstances that the church is a proper place for political discussions.

Anti-slavery men, in spite of enormous pressure brought to bear upon them, kept up a "third" party called first the Liberty and then the Free Soil party until 1854, when it was absorbed in a coalition, soon called the Republican party, which in its first campaign led all its opponents, carried the Legislature, and thus secured the Governorship. The political work of the anti-slavery men from 1844 on is so mixed with the general politics of the State that it must be considered with them and not in a separate chapter.[8]

Closely connected with the anti-slavery movement was one in favor of Prohibition. At the time of the separation of Maine and Massachusetts, nearly every person in the new State drank liquor as a matter of course. The most respectable people sold it. Neal Dow says that "many of them were regular attendants upon the ordinances of the church; some were foremost in good words and works. Elders, deacons and Sabbath school teachers competed with each other for customers for liquor, as well as for

[8]General Reference, Willey, "History of the Anti-Slavery Cause in State and Nation."

dry goods and other family supplies, and cheerfully donated generously of profits thus obtained." Men said with Iago, "Good wine is a good creature if it be not abused." But the danger of abuse was recognized, and on March 20, 1821, the Maine Legislature passed a license law regulating the sale of liquor very similar to the law of Massachusetts previously in force. The license fee was $6.00, and a fine of not over $50 for common selling and of not over $10 for a single sale was imposed on persons selling without a license. The licensees were to be persons of "sober life and conversation," and suitably qualified. They were forbidden to allow gambling or excessive drinking on the premises, no liquor could be sold to minors, except travellers, without the special permission of their parents, nor could credit for liquor be given to undergraduates in colleges without the consent of the college authorities.

County attorneys were directed to file information against persons selling without a license, and the half of all fines under $20 was to go to the informer. In 1824 liquor sellers were ordered to take out a license for each place where they sold liquor. Sheriffs, deputy-sheriffs, constables and tithingmen were directed to furnish the selectmen with the names of those who used liquor to excess, and "all good citizens of the State were exhorted to do the same." In 1826 a law forbade the sale of liquor within one hundred rods of a place where an election was being held, but the act did not debar "licensed parties from the pursuit of their ordinary business in their usual places of prosecuting the same." In 1829 a local option law was passed and victuallers or retailers were forbidden to sell wine, spirituous or mixed liquors to be drunk on the premises. This act did not apply to taverners. Moreover, any town at its annual town meeting might authorize its licensing board to allow the sale of liquor to be drunk on the premises on such conditions as might be prescribed by the selectmen. In 1832 the law of 1824 was repealed. In 1833 it was made the duty of the selectmen to insert in the list of subjects to be considered by the annual town meeting that of granting licenses for the sale of liquor to be drunk on the premises. In 1834 all laws regulating the sale of liquor were repealed, and a new law containing most of the provisions of the former acts was passed, but no license was required for, nor any restriction imposed on the sale of beer, cider, ale, etc.

Meanwhile there had been developing in Maine a strong temperance movement. Shortly after the close of the War of 1812 sixty-nine citizens of Portland assembled in the Quaker meeting-house and formed a total abstinence society, commonly called from the number of those composing it, Sixty-niners. Among the leaders were two of the principal clergymen of the District, Dr. Payson and Dr. Nichols. In January, 1818, Dr. Payson's church resolved that it considered the use of intoxicating liquors for purposes of entertainment, refreshment or traffic, as a case of immorality, and a cause of discipline, subjecting the offender to suspension and if persisted in, to excommunication. For years, however, many who earnestly desired

to promote the cause of temperance did not advocate total abstinence. A distinction was also drawn between the use of wine, cider, and so forth, and that of whiskey and other "ardent spirits." In 1827 a society whose members were pledged to abstain from distilled spirits was formed in New Sharon. Such societies were also formed that year in Windsor, Buckfield and Gorham.

In 1828 a society was formed in Gardiner, whose members pledged themselves that they would not "knowingly vote for a man for any civil office who is in the habit of using ardent spirit or wine to excess." Neal Dow says in his reminiscences: "I think I am safe in saying that the adoption of this pledge was the first action taken anywhere in the State, favoring the introduction of the question in any form into politics." In 1834 the first State convention of temperance societies was held and a State organization was formed. In 1837 it was moved at the annual meeting of the society to make total abstinence a condition of membership. The opponents of the change, led by ex-Governor King and other prominent men defeated the proposal but the result was a secession of many of the more radical members who formed the Maine Temperance Union. Among the leaders in this movement were Rev. Dr. Tappan of Augusta, Samuel M. Pond of Bucksport, Dr. Isaac Lincoln of Brunswick, Abner Coburn (Governor of Maine in 1862), Richard D. Rice, afterward a judge of the Supreme Court, and John F. Potter of Augusta. Mr. Potter was later a member of Congress from Wisconsin, and acquired great popularity among the anti-slavery men by accepting a challenge from Roger A. Pryor of Virginia, and naming bowie-knives as the weapons. The duel did not take place, Pryor's seconds refusing to allow him to fight under such conditions.

The records of the society say, "Voted to adjourn till 2 p. m. with a view to give those members who desired it, an opportunity of forming a new State Society on a pledge of total abstinence from all that intoxicates. A new society was immediately formed and called the 'Maine Temperance Union,' and about four-fifths if not seven-eighths of the old society joined the new one. At 2 p. m., met accordingly. The treasurer's report was read and accepted, and some other business done, when General King of Bath observed that he thought those who had joined the new Society ought not to assist in choosing the officers of the old, and after a few observations from members it was voted to adjourn for five minutes, and the Members of the Maine Temperance Union retired to the Court House."[19]

The Union voted "that the sole object of this society shall be to concentrate the efforts of the friends of temperance throughout the State, to diffuse information, and by a moral influence, discourage the use of intoxicating drinks in this community." A resolution was adopted, "that the subject of petitioning the Legislature for prohibiting, under suitable pen-

[19] *Whig*, Feb. 24, 1837.

alties, the sale of intoxicating liquors as a drink, be recommended for discussion at the next meeting of this society." Neal Dow says, "As far as I am aware, that was the earliest effort made in Maine toward the development of a public sentiment favorable to Prohibition," and he thinks it more than probable that "General Appleton of Portland was the author of the resolution."

A committee was appointed to confer with the old society in regard to financial matters, and the society transferred the temperance paper, the *Maine Temperance Herald* "and all existing agencies" to the Union. The Bangor *Whig* said of the secession:

"We look upon the organization of a new State Temperance Society, upon the principle of abstinence from all that intoxicates, as a good omen. Most certain it is, the measure was called for by every consideration of consistency as well as the best good of the cause of temperance. The truth is the avowed friends of temperance must keep in advance of the mass, or the cause will inevitably suffer. How was it with the old Society? It was formed years ago, when the standard of public sentiment was far in the rear of its present point of elevation. It was found to be lagging behind public sentiment. It had become a dead letter, and it was absolutely necessary that it should be advanced to its present station. Total abstinence is the only safe, the only tenable, the only consistent ground. How very often is it urged, and with such force as to call the blush to the cheek of the avowed friends of temperance, that it is the object of reformers to deprive poor people of New England Rum, while they retain for their own use highly adulterated wines and cordials? How often is it said, give up your wines and we will give up our rum."[11]

The same year a committee of the House of Representatives, to whom the subject of the liquor traffic had been referred, reported in favor of prohibition. They stated that a license system made liquor dealing respectable and that it was impossible to enforce regulations for the sale of liquor. "The people will never be satisfied that if the taverner may rightfully vend the article by the glass, to the ruin of his neighbor, it is criminal for the retailer to do the same." They said that the "fathers" who established the license system would probably have forbidden the sale of liquor entirely had they not wrongly believed that alcohol was useful and necessary to humanity. The committee claimed that generally speaking a prohibitory law could be enforced. A bill was reported forbidding the sale of brandy, rum or strong liquors, in less quantities than twenty-eight gallons, except by physicians and apothecaries for medicinal and mechanical purposes. During the debate General Appleton said that sale in large quantities was permitted to meet the constitutional objection that though the Legislature might regulate it could not prohibit. John Holmes, who was then serving as a member of the House, moved an amendment invalidating after the first of the following September, all contracts in relation to ardent spirits, and the motion was passed with a slight change. Mr. Humphries of Gray wished "to prohibit

[11] *Whig*, Feb. 22, 1837.

physicians and apothecaries from selling. The bill gave these individuals a monopoly which would be exceedingly profitable. Apothecary shops would spring up in every quarter by the hundred. The bill would be wholly ineffectual; as much ardent spirits would be sold as now. If any exception was to be made, it should be in favor of taverners." Accordingly, Mr. Humphries moved to strike out the part of the bill relating to physicians and apothecaries, but his amendment was defeated. "An attempt was made to forbid the sale of ardent spirits in *any* quantity, but this also failed. Mr. Codman of Portland said he presumed gentlemen were sincere in declaring alcohol to be a *deadly poison.* He therefore moved to amend by adding a section to provide that if any person in this State shall sell or drink any ardent spirits, he shall be punished, on conviction, by imprisonment for life; the motion did not prevail."[12]

In 1838 Governor Kent said in his first address to the Legislature: "The cause of temperance and that philanthropic movement which has already done so much to check the ravages of the fell destroyer of individual health and happiness, and prolific source of crime and misery—intemperance—depend mainly for their ultimate and perfect success upon moral causes, but may yet receive aid and support from legal enactments which shall put the seal of public reprobation upon the traffic in ardent spirits whenever public sentiment will sustain the strict enforcement of the provisions of such a statute." This was the first time that a Governor of Maine had referred to the subject of temperance in his inaugural address. But no action of importance was taken by the Legislature in regard to the selling of liquor until 1844, when a law was passed construing the act of 1835 to authorize licensing boards to license persons other than inn-keepers, but forbidding them to sell in less quantities than twenty-eight gallons, the whole to be taken away at one time.

Meanwhile a very sharp contest had been going on in the ranks of the new Temperance Union. The radicals favored Prohibition, the conservatives wished to rely on moral influence. One year the society indefinitely postponed a resolution recommending the friends of temperance to use their influence in enforcing the penalties of the law against the sale of strong liquors. The next year it declared that "it is necessary to exercise daily and constant vigilance in detecting the unlawful sale of intoxicating liquors, and to cause the license law to be executed on all those who transgress it." In 1845 the radicals won a decisive victory. Rev. Dr. Dwight of Portland was invited to address the annual meeting of the Union on "Law as a means of promoting the temperance reform." Resolutions were adopted declaring that "individuals engaged in the liquor traffic 'are the most guilty of any criminals known to us' and should be 'both regarded and treated according to their guilt as are other criminals'; that to patronize a store or tavern in which intoxicating drinks are sold is to countenance and support intemperance."

[12] *Whig*, March 27, 1837.

In 1846 the Union appointed Neal Dow and John T. Walton to represent "the views and wishes of the thousands of our state who have asked by their petitions the passage of a law which shall effectually close up the drinking-houses and tippling-shops." The hearing was held in the Hall of Representatives and a petition fifty-nine feet long signed by 3,800 citizens of Portland was festooned over the Speaker's chair. Judge Weston of Augusta presented the arguments of the opponents of Prohibition. A prohibition law was passed in the House by a vote of 81 to 42, and in the Senate by one of 23 to 5, and was duly approved by Governor Anderson. The law forbade the sale of spirituous liquors except for medical and mechanical purposes. For such sales the towns were authorized to appoint a limited number of agents, the number varying with the size of the town.

For the next three years the Union devoted itself to endeavoring to secure the enforcement of the law and to obtain amendments which would make it more effective. Neal Dow says of this period:

"As long as the law recognized the trade as useful, necessary, and legitimate, those engaged in it cared little for its restraining clauses. The license was more potent in swelling the number of their patrons and the sum of their gains than the restrictions were in protecting the people from the evils inseparable from the business. Now, however, under the law of 1846, matters were different. Now the trade began to show its teeth. The time had come when the fire was the hottest, the danger the greatest, and only the most determined and courageous kept on. This was manifest in the absence from the annual meetings of the Union in 1847, 1848 and 1849, of some of its former supporters. They had little taste for the kind of warfare now forced upon them, and perhaps, as to some of them, grave fears as to what the outcome politically might be to themselves or their party.

"The vacancies, however, were filled by others, who, though younger, less widely known, and lacking in the prestige and influence of those whose places they took, had all the zeal, persistency, and courage demanded at that stage of the movement. But there were yet to be found some of the old leaders. The calm, cool courage, the earnest, unabated devotion of Appleton, were yet at the service of the cause. The venerable Samuel Fessenden was, as always, to be relied upon, and the devotion of such men, trained in the school of the anti-slavery reform to cherish the courage of their convictions as a priceless treasure, was a tower of strength at this crisis of the movement."

In 1849, a law was enacted which punished by imprisonment in the county jail any person not licensed who should sell or expose for sale during the continuance of any cattle-show or fair any intoxicating drink within two miles thereof. This is the first instance in the legislation of the State where imprisonment was imposed as a penalty for the sale of intoxicating liquors.

In 1850, the penalties for the violation of the law were very much increased. Persons selling liquor illegally had been liable to a fine of not less than one nor more than twenty dollars. They were now made punishable by a fine of not less than twenty nor more than three hundred dollars,

or imprisonment for not less than thirty days nor more than six months.

Though the passage of the law of 1846 had been a great triumph for the friends of prohibition, its enforcement was far from satisfactory to them. Accordingly, in 1849 they prepared a bill increasing the powers of public officers to search and seize and allowing private citizens to set the machinery of the law in motion. The bill was passed at the end of the session and Governor Dana availed himself of his constitutional right to retain the bill until the opening of the next session. Many petitions were sent to him begging him to sign the bill, but in January he returned it to the Legislature with his veto. He argued that the proposed law was altogether too stringent, more so indeed than the Legislature perhaps intended. He claimed that prohibition could not be enforced and that the attempt to do it had increased drunkenness. Undiscouraged, the prohibitionists again introduced a bill similar to that of the year before. It passed the House, but in the Senate the vote was a tie.

In the spring of 1851, Mr. Dow was elected mayor of Portland, with a prohibition City Council. In his inaugural address he stated that prohibition could not be enforced without the aid of a law stringent in its provisions and summary in its processes, and commended the subject to them as one eminently worthy of their attention. The City Council passed resolutions echoing the opinion of the mayor and he was appointed the head of a committee to go to Augusta, present the resolutions to the Portland representatives, and express the opinions of the City Council on the matter to any committee which might be appointed to consider them. Mayor Dow had already prepared a bill. He first carefully revised his bill of the preceding year and then submitted it to a lawyer who was much interested in temperance, Mr. Edward Fox, later judge of the United States District Court. Mr. Fox suggested and the Mayor accepted a few changes mainly of a technical nature.

At Augusta, Mr. Dow saw the President of the Senate and the Speaker of the House and asked them, if the matter should be referred to a committee, to appoint certain persons whom he named. Both officers agreed to pack the committee as requested. It was duly appointed and unanimously recommended Mr. Dow's bill. The bill passed the House by a vote of 81 to 40. The next day the Senate passed it under a suspension of the rules by a vote of 18 to 10. As soon as the bill had been signed by the President of the Senate, Mr. Dow himself took it to the Governor, John Hubbard. But he had been anticipated. On entering the executive chamber he met half a dozen Democratic leaders coming out. They had gone to demand of Mr. Hubbard that he veto the bill. Several of these men had themselves voted for it. They explained, however, that they lived in close districts and feared for their re-election, but argued that as Governor Hubbard had twice received over 9,000 plurality he might safely disapprove the bill. Neal Dow says of this interview:

NEAL DOW

"Governor Hubbard, however, as he afterwards informed me, reminded those gentlemen that they had voted for the bill. Their record was public. He was bound to believe that their vote, as thus recorded, represented their convictions. It was neither his duty nor his desire to relieve them from the position in which they had placed themselves. They had admitted, in voting for the measure, that they were representing the wishes of their constituents. They must not ask him to disregard the public will that they had obeyed, and heed their private opinions and personal wishes, which they had concealed by their votes. Two sessions of the Legislature, the Governor said, had been occupied in discussing and maturing the subject. It had passed both houses by a vote of about two-thirds. It could not be looked upon, therefore, as hasty and inconsiderate legislation, which alone would authorize the interposition of the veto, a power which the Constitution did not contemplate as part of the ordinary process of legislation. He would not use it in this case unless upon a careful examination of the bill he should find in it defects too grave to be overlooked."

The discussion is said to have been very sharp, the leaders attempting to frighten Governor Hubbard into using his veto. When Mr. Dow entered with the bill the Governor said nothing of the pressure which had been put on him, but promised to give the subject careful consideration and turned the conversation to general topics. The bill passed the Legislature on Saturday and on Monday the Governor signed it. From this time the temperance question became very closely interwoven with party politics and its later phases will be considered in connection therewith.

The last of the movements of this period which attained political importance was Native Americanism, or Know-Nothingism. Since the Revolution there had been from time to time considerable anti-Catholic and anti-foreign feeling which had manifested itself both in political action and in mob violence. The Irish were the special object of attack, for they came in large numbers, held together clannishly, and were believed to furnish a large proportion of the paupers and criminals and to act largely under the direction of their priests. They were usually Democrats, often secured Democratic success in the pivotal State of New York, and were therefore specially obnoxious to the Whigs. They were frequently unwilling to attend the public schools and in New York, under the lead of Archbishop Hughes, they made a vigorous attempt to have a portion of the school fund set aside for the maintenance of Catholic schools.

In 1850 there was organized a secret anti-foreign and anti-Catholic society called the Order of the Star-Spangled Banner. It was later amalgamated with another similar society, that of the United Americans. The society and the whole movement were popularly called Know-Nothing. The membership of the order was secret, and it was said that when any of the initiated was asked about it he replied that he "knew nothing," hence the name.

The order gradually spread beyond the limits of New York. The Whig party had an anti-foreign tendency, it was now dissolving, many of

its old members were unwilling to become either Democrats or Republicans and they joined the Know-Nothings. Southern conservatives attempted to use the party against the Republicans, the anti-slavery men tried to capture it, and it was soon killed by the despotic rule of its leaders, its un-American demand for religious discrimination and its internal disputes over the slavery question. For a while, however, it won some political successes, and its more extreme members and allies added to the already long list of riots and mobs which disgraced the middle of the nineteenth century.

Numerous branches of the order were founded in Maine, but the members were usually strong supporters of anti-slavery and prohibition and they never nominated a candidate for Governor to run on a separate Know-Nothing ticket. There was, however, considerable anti-Catholic excitement and there were two gross Know-Nothing outrages. A church was burned in Bath, and a priest tarred and feathered in Ellsworth. A characteristic of the Know-Nothing movement was the denunciation of Catholicism by street preachers. One of them was known as the Angel Gabriel, because he prefaced his harangues by blowing on a silver trumpet. This man was holding forth at Bath to an excited and sympathetic crowd when a hack was driven through the audience to the depot. It was allowed to pass without hindrance, but when it turned back and again drove through, it was stopped, the crowd believing that an attempt was being made to interfere with the meeting. A cry was then raised "To the Old South Church"; this church, which had been built under the leadership of Governor King, was now being used by the Catholics, though not owned by them. The mob burst in, waved the American flag from the belfry, and set fire to the building, which was quickly burned to the ground. No other damage was done, though the rioters made a great disturbance and threatened various Catholics. For several days there was danger of further trouble, but the city militia company was in readiness, a hundred additional policemen were sworn in, a leader of the riot was arrested and held to bail and quiet was restored. Most of the leading papers in the State condemned the outrage. The *Christian Mirror* denounced the riot in severe terms and called for the punishment of the leaders. The Augusta *Age* said:

"Mobs, violence and church burning, such are the legitimate fruit of Native Americanism or Know-Nothingism. It is a contemptible movement led on by reckless men, who know as little of the true doctrines of Christianity as they do of the true principles of Republicanism, and as little of the Catholic religion as they do of the Protestant religion.

"We trust that the community will frown upon this crusade against the Catholics and foreigners generally. It will, if suffered to go on, produce infinite mischief to the social and religious well being of society. We hope at all events that there is not a person in this city, so narrow-minded, bigoted and illiberal as to join or give the slightest countenance to the Know-Nothing movement."

In Ellsworth there had been serious difficulty over the use of the Bible

in the schools. The Catholics objected to their children being obliged to read the Protestant version, and the Catholic priest, Father Bapst, protested to the school committee in language which to one who honored the Protestant Bible must have been extremely offensive. The committee refused to make any change, and expelled a number of Catholic children, accusing them of disorderly conduct in school. Father Bapst replied that except in one case the Catholic children had behaved no worse than the Protestant children, and he was said to have cursed the school committee. He also sued them and the town appropriated $600 to pay the expense of their defense.

The feeling was much embittered by the failure of the Ellsworth Bank, of which one of the school committee was president, and Father Bapst was said to have declared that the failure was the result of his curse. About this time he was transferred to Bangor. An Ellsworth town meeting passed resolutions abusing Bapst and threatening him with being tarred and feathered and ridden on a rail should he show himself in Ellsworth. He did so, and on the night of Saturday, October 14, 1854, a number of men went to the house where he was staying, took him out in a pouring rain, rode him on a rail, tarred and feathered him, meanwhile addressing him in taunting and indecent language. His pocket was picked of a wallet containing $50, and he also lost his watch. Father Bapst expressed the hope that they would not rob as well as maltreat him, and they answered: "No, we will not rob you; we are Americans, and not robbers"; but the wallet was taken, nevertheless. Some cried out to hang him, but the leader interfered, saying repeatedly not to hurt him.

On the next day, Sunday, he twice celebrated Mass. He was threatened with death, and his parishioners, armed with pitchforks and other rude weapons, gathered to protect him. A prominent Democratic politician, Mr. Charles Jarvis, induced them to disperse, taking the priest into his own house and promising to defend him with his life. The next morning Father Bapst again celebrated Mass, and returned to Bangor.

The outrage met with the sharpest condemnation. A number of well-known Protestant citizens of Bangor presented Father Bapst with a watch, chain and seal, as a testimonial of their disapprobation of the intolerance and violence with which he had been treated.[13] Some papers spoke n very severe language of the affair and of the character of the people of Ellsworth. The matter attracted notice outside the State. The New York *Evening Post* said: "Those who are fomenting the Know-Nothing movement should find this outrage food for serious reflection."

The people of Ellsworth did not meekly bear the blame they had incurred. A meeting of citizens regretted the assault on Bapst, but roundly assailed him at the same time, and had much to say of the provocations he had given. The Ellsworth *American* took a similar attitude.

[13] He also recovered the watch lost on the night of the assault.

There was trouble also in the Bangor schools over the reading of the Bible and it was agreed that an edition agreeable to the Catholics should be used. A Miss Thayer, who had served fifteen years as teacher of a primary school, resigned rather than use the new version. Some of the citizens of Ellsworth purchased a Bible for Miss Thayer, and a committee of Bangor citizens went to Ellsworth, where one of the Ellsworth teachers delivered it to them in a public speech before a large audience. In Bangor, Mr. Sayward, the editor of the *Whig,* formally presented it to Miss Thayer.